Paul Eddins

From: jeffd@lonestarsilversmith.com
Sent: jeffd@lonestarsilversmith.com
Friday, March 27, 2020 11:26 AM

To: Paul Eddins
Subject: FW: LEGAL NOTICE

Attachments: Attached 2_lone star silver smith.pdf; Attachment 3 Berg-v.-MF-Western-deposition-of-

Mr.-Berg-064984-7008.pdf; Attachment 1 List of Bob Berg's Copyrights.jpg

From: Bob Berg

Sent: Friday, March 27, 2020 1:44 AM To: sales@lonestarsilversmith.com

Subject: LEGAL NOTICE

Richard Liebowitz

Email Address: RL@liebowitzlawfirm.com

Phone number: (800) 778-1660 or 516-233-1660

11 Sunrise Plaza, Suite 305

Valley Stream, NY 11580-6111, USA

Liebowitz Law Firm, PLLC

Reprsenting:

BOB BERG DESIGNS

9595 River Road

College Station, TX 77845

Monique Compton (Sales Director)

Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

LONE STAR SILVER SMITH

Address: 1224 Industrial Drive New Braunfels, TX 78130

Phone number: 877-373-0529

Email: sales@lonestarsilversmith.com

Greetings Lone Star Silver Smith,

My IT team has been working on your case over the last 3 months. Your wreckless disregard for Bob

Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you

and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

THIS LETTER IS A FORMAL REQUEST AND DEMAND TO CEASE AND DESIST, TO TAKE DOWN ANY AND OR ALL COPIES AND OR DERIVATIVES AS IN ATTACHMENT 2 LISTS FROM YOUR WEBSITE WITHIN 15 DAYS FROM TODAY NOTICE.

Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

 $76 \times $150,000 = $11.400,000$

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683 The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthol) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email; RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

- 1. Attorney fees
- 2. Possible willful infringement damages
- 3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

Kind Regards,

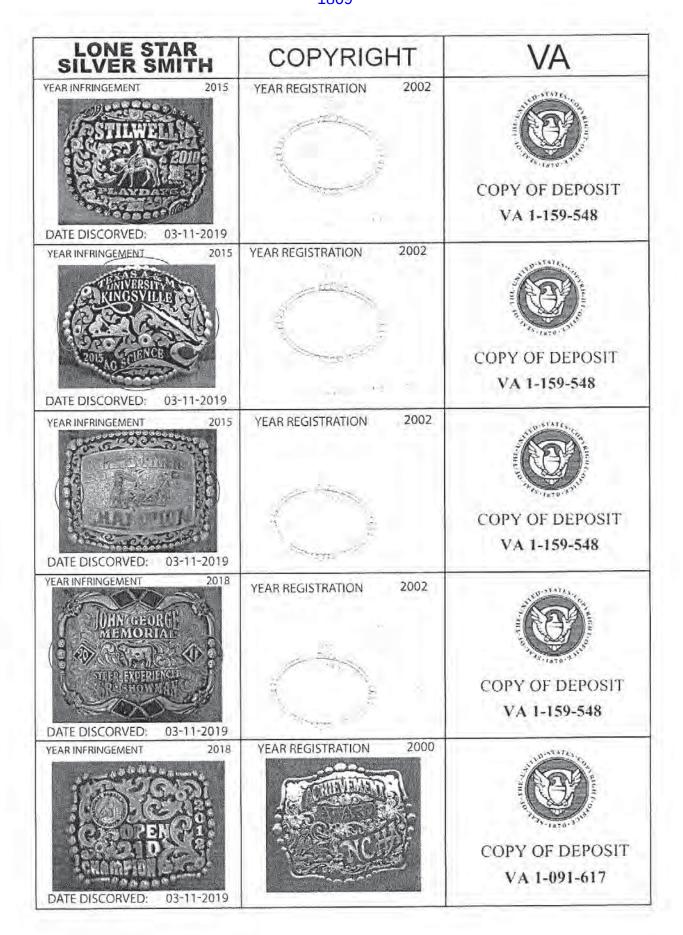
Customer Service Department, Bob Berg Designs

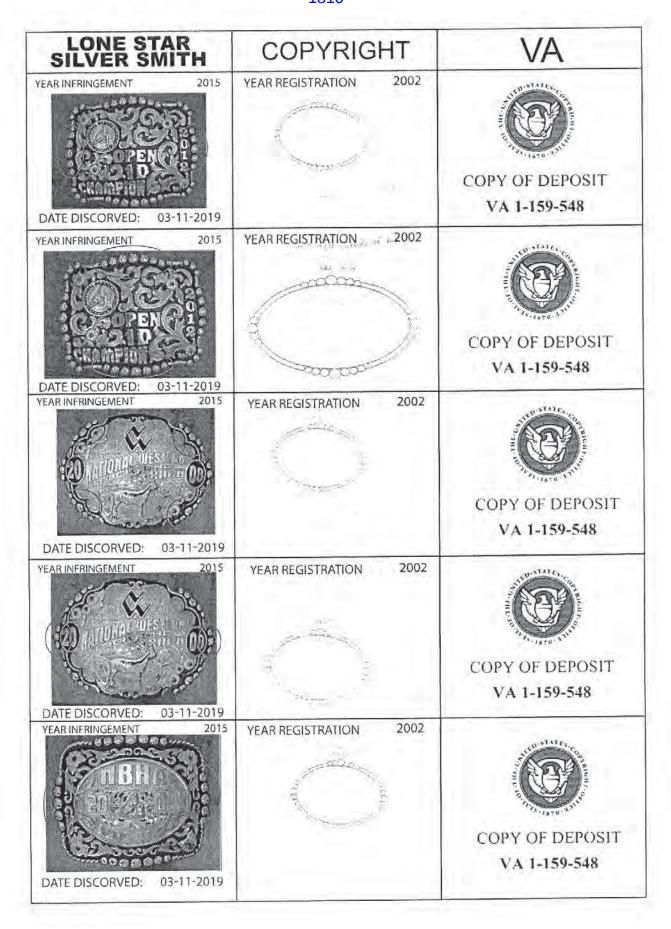
COMPANY: LONE STAR SILVER SMITH

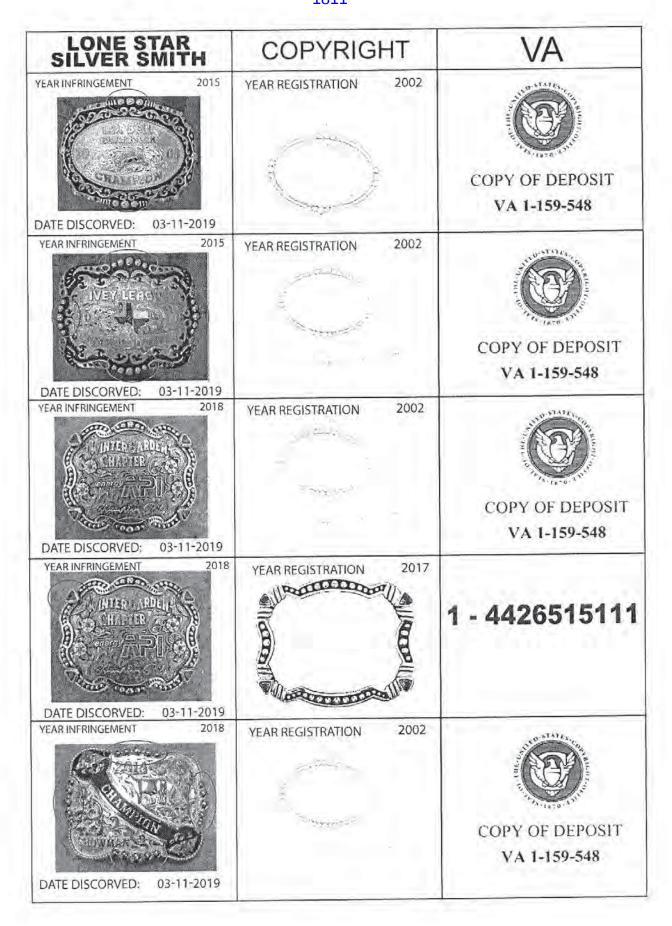
Address: 1224 Industrial Drive New Braunfels, TX 78130

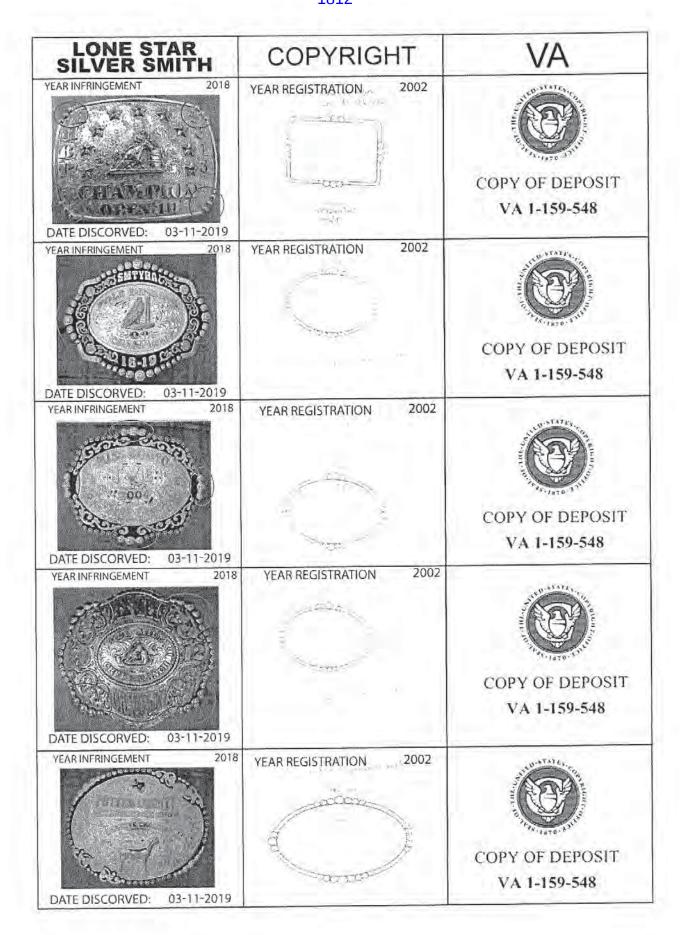
Phone number: 877-373-0529 Website: www.lonestarsilversmith.com Email: sales@lonestarsilversmith.com

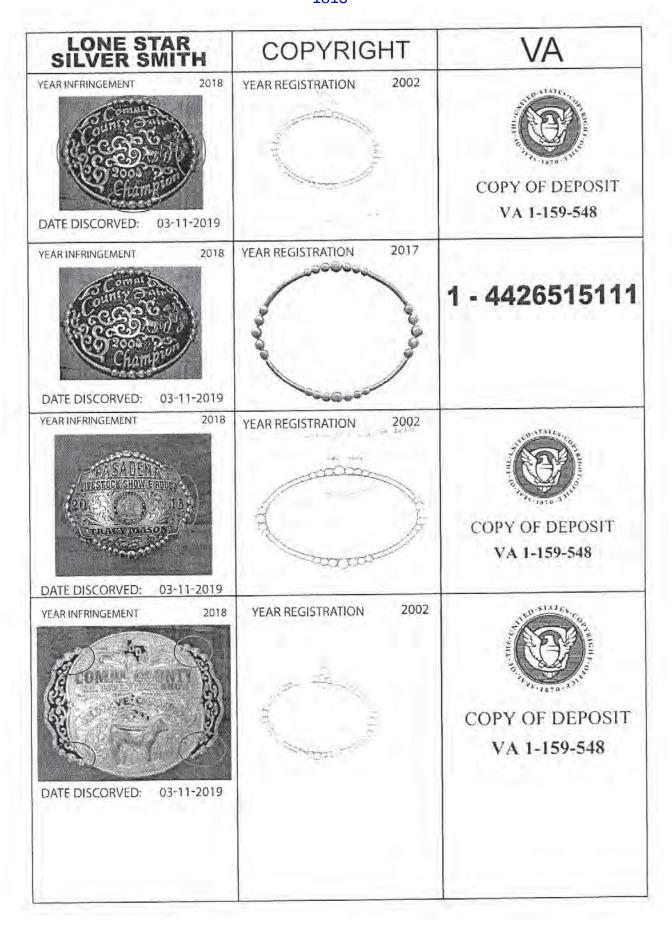


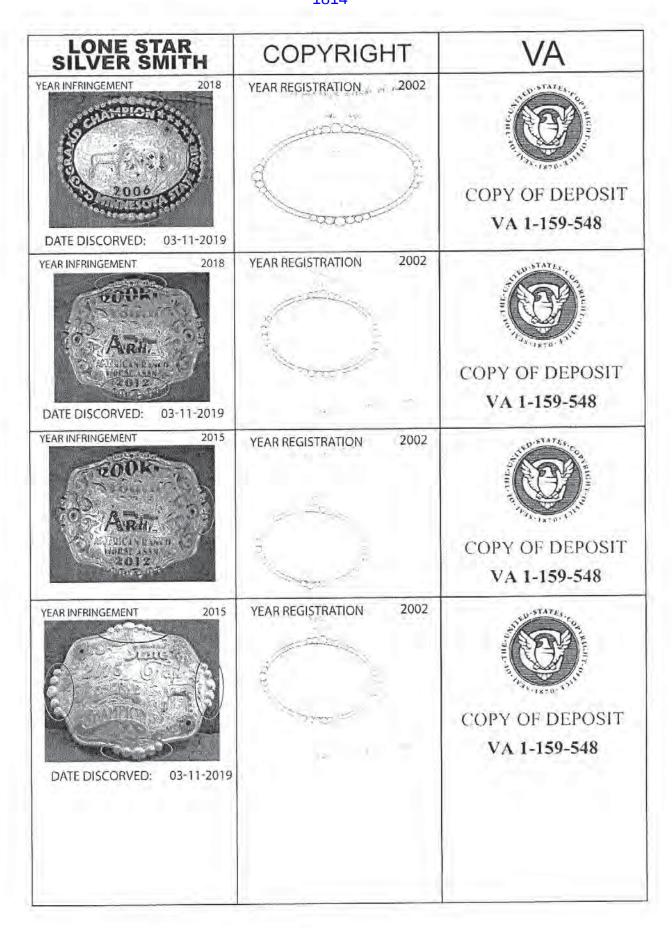


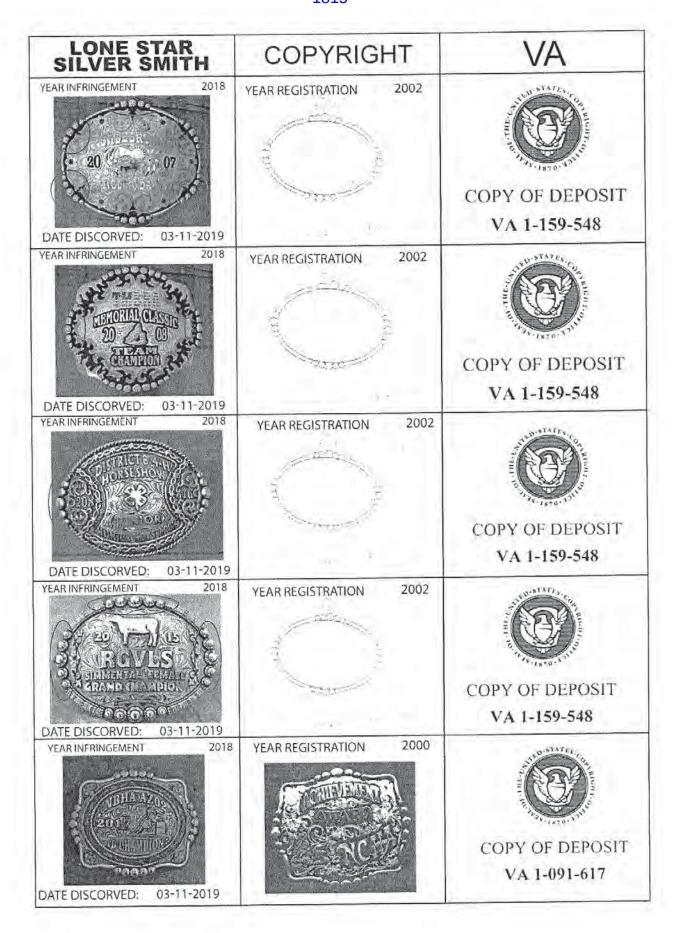


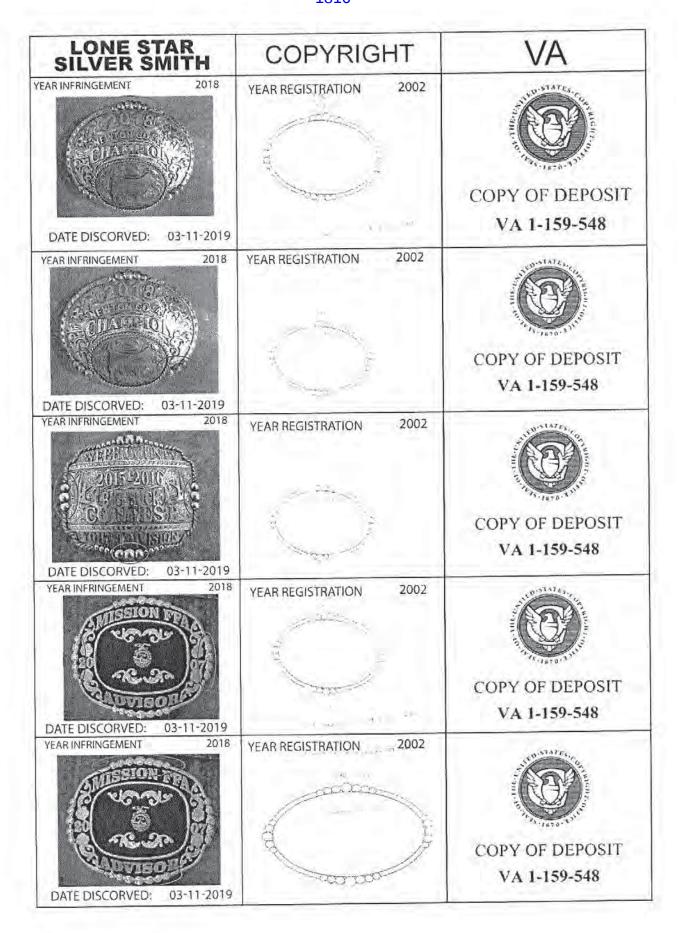


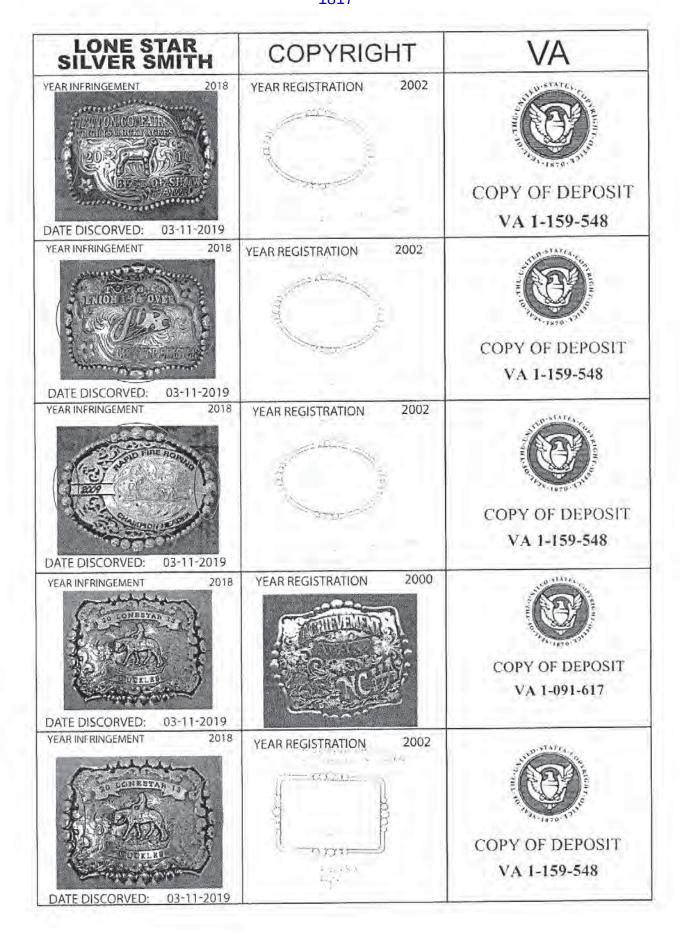


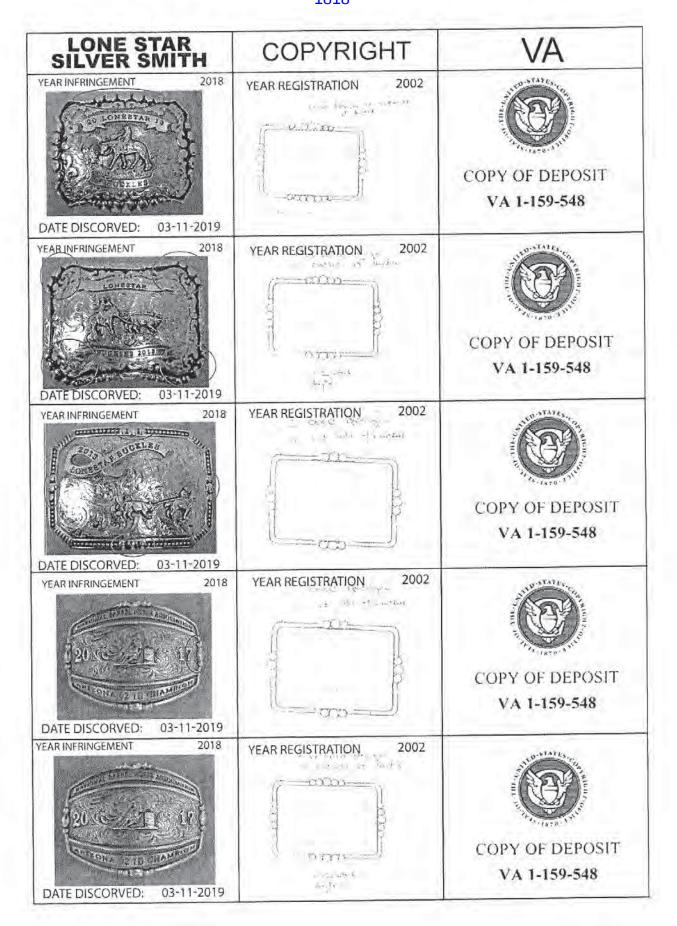














DATE DISCORVED: 03-11-2019

DATE DISCORVED: 03-11-2019

03-11-2019

2018

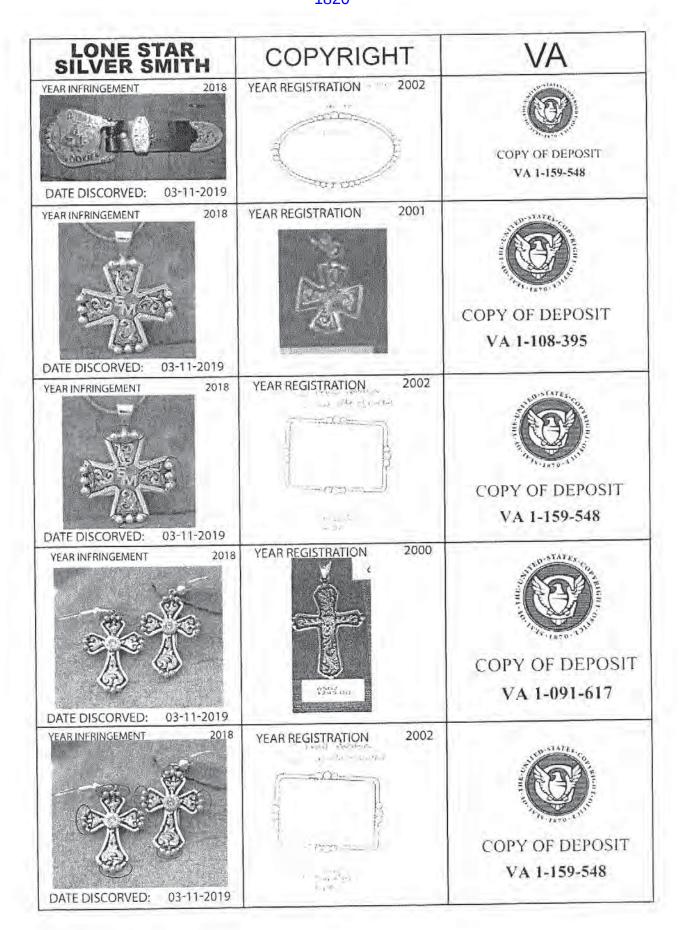
YEAR INFRINGEMENT

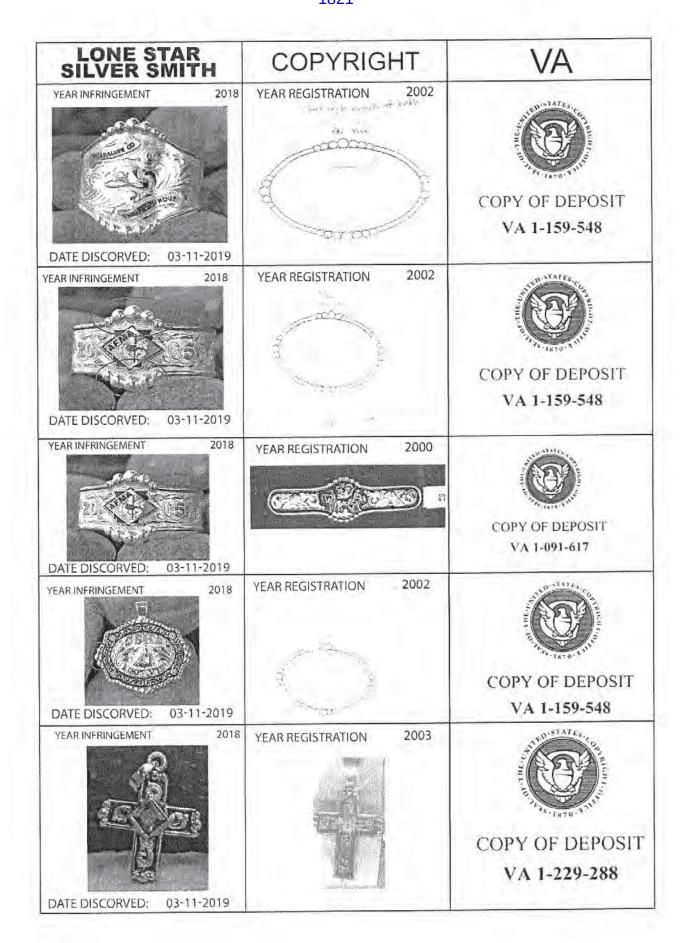
DATE DISCORVED:

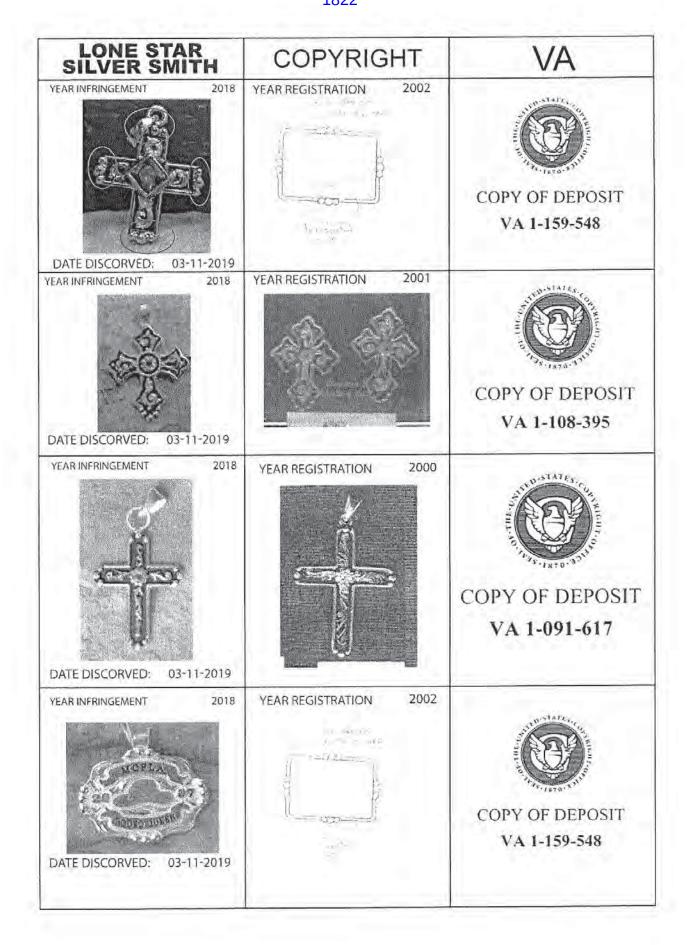
YEAR INFRINGEMENT

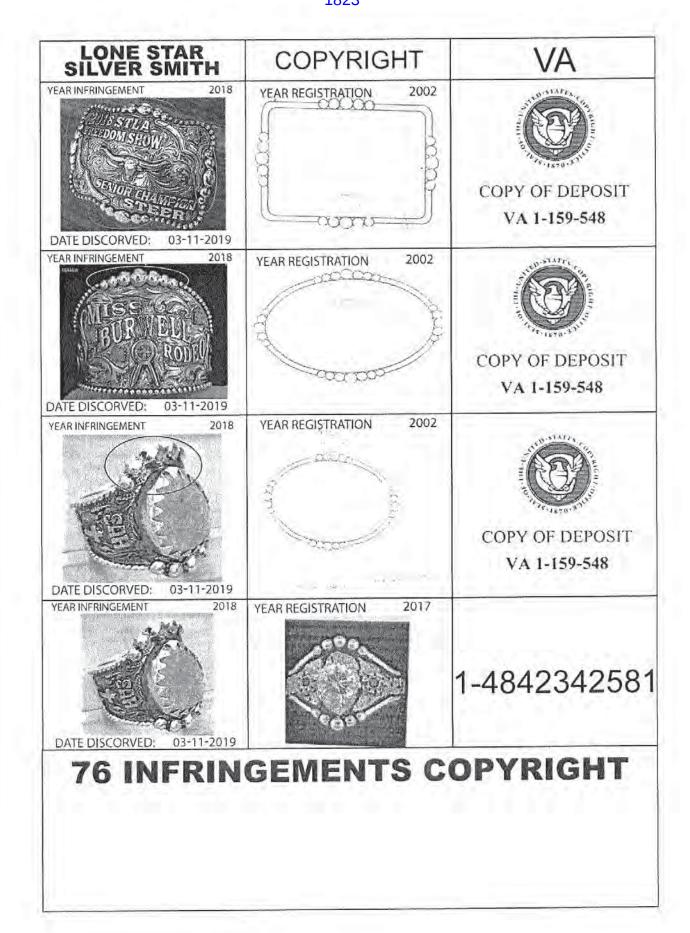


VA 1-159-548



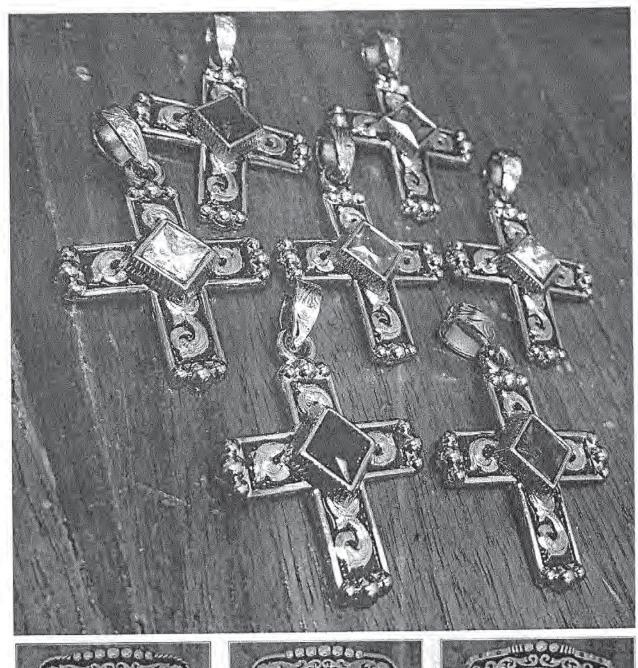


















IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

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ROBERT BERG,

Plaintiff

VS.

Case No. 6:19-cv-418-JDK

M&F WESTERN PRODUCTS, INC.,

Defendant.

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9.00 a.m. (CST) on April _____, 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

Dated:	March	4.	2020
The property	TITLE OFF	36.3	HUNG

Respectfully	submitted,

John R. Hardin Texas Bar No. 24012784 JohnHardin@perkinscoie.com PERKINS COIE LLP 500 N. Akard St. Suite 3300 Dallas, Texas 75201

Phone: 214-965-7700 Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscoie.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

Attorneys for Defendant M & F Western Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March __, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

John R. Hardin

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG 147403677.1

• It 8	Date Registered	Title
A number	1988	Be like Jesus
/A0000292803	1992	Pecos . Cheyenne . Oval . Skull
/A0000530294	1993	Feather; Crescent; Small filigree
VA0000547192	1995	Bandera collection
VA0000817815	2000	[ProBull Rider champion cup]
VA0001076361	2000	Bob Berg jewelry
VA0001091617	2000	Pro bull rider champion buckle.
VA0001096096	2000	Bob Berg Concho Designs
VA0001653343		Bob Berg Earrings
VA0001653369	2000	Bob Berg Pendant Designs
VA0001653370	2000	Bob Berg Necklace Designs
VA0001653372	2000	Bob Berg Watch Bands
VA0001653373	2000	[Bob Berg jewelry · Bob Berg buckles]
VA0001108395	2001	[Bob Berg Jewell v 200
VA0001159548	2002	[Bob Berg buckles]
VA0001229288	2003	Bob Berg buckles New Buckle 001 - Non Symetrical
VA0001667450	2004	New Buckle 001 - Noti Symbolic
VAu001296852	2016	HOLLYWOOD COLLECTION
VAu001312785	2017	Turquoise Collection.
VAu001312781	2017	Bob Berg Hollywood Buckles Series
VAu001301623	2017	BOB BERG JEWELRY COLLECTION
VAu001301023	2017	Update Turquoise Collection
VAu001313007 VAu001312778	2017	Update Turquoise Collection_V2

Paul Eddins

From: Corriente Buckle Co. <corrientebuckle@aol.com>

Sent: Friday, March 27, 2020 2:36 PM

To: Paul Eddins

Subject: Fwd: LEGAL NOTICE

Attachments: Attachment 3 Berg-v.-MF-Western-deposition-of-Mr.-Berg-064984-7008.pdf; Attached

2_rowdysilver.pdf

here is another one that he sent out

Thank You, Bode Baize

Corriente Buckle Co.

Tracey's Desk: 575-874-3697 Brittney's Desk: 915-497-5579 Bode's Cell: 915-497-5747 Fax: 575-874-3389 corrientebuckle@aol.com

----Original Message----

From: Stacey Sloan <stacey@rowdysilver.com>

To: corrientebuckle@aol.com <corrientebuckle@aol.com>

Sent: Fri, Mar 27, 2020 12:27 pm Subject: Fwd: LEGAL NOTICE

Begin forwarded message:

From: Bob Berg < bobbergtitanium@gmail.com >

Subject: LEGAL NOTICE

Date: March 27, 2020 at 12:55:53 AM MDT

To: stacey@rowdysilver.com

Resent-From: "Proofpoint Essentials" < do-not-reply@proofpointessentials.com>

Resent-To: <stacey@rowdysilver.com>

Richard Liebowitz

Email Address: RL@liebowitzlawfirm.com

Phone number: (800) 778-1660 or 516-233-1660

11 Sunrise Plaza, Suite 305

Valley Stream, NY 11580-6111, USA

Liebowitz Law Firm, PLLC

Reprsenting:

BOB BERG DESIGNS

9595 River Road

College Station, TX 77845

Monique Compton (Sales Director)

Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

ROWDY SILVER

PO Box 13606 LAS CRUCES, NM 88013

Phone number: (575)640-8090

Email: stacey@rowdysilver.com

Greetings Rowdy Silver,

My IT team has been working on your case over the last 3 months. Your wreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations. Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case #
6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

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Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

45 X \$150,000 = \$6.750,000

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683

The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthol) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email:

RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

- 1. Attorney fees
- 2. Possible willful infringement damages
- 3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

Kind Regards, Customer Service Department, Bob Berg Designs

A0000292803 A0000530294 /A0000547192	1988 1992 1993 1995	Be like Jesus Pecos : Cheyenne : Oval : Skull Feather : Crescent : Small fligree
A0000530294 A0000547192	1992 1993	Pecos Cheyenne , Oval , Skull feather ; Crescent ; Small filigree
A0000530294 /A0000547192	1993	Feather ; Crescent ; Small migree
A0000547192	The second second second	reauter, cresering
	1995	In Take enlightent
A0000817815	E-S D D	Bandera collection [ProBull Rider champion cup]
VA0001076361	2000	ProBuil Rider Changes
VA0001091617	2000	Bob Berg jewelry Pro bull rider champion buckle.
VA0001096096	2000	Bob Berg Concha Designs
VA0001653343	2000	Bob Berg Cuncia De Mari
VA0001653369	2000	Bob Berg Earrings
VA0001653370	2000	Bob Berg Pendant Designs
VA0001653372	2000	Bob Berg Necklace Designs
VA0001653373	2000	Bob Berg Watch Bands [Bob Berg jewelry Sob Berg buckles]
VA0001108395	2001	[Bob Berg Jewelry Bob Berg
VA0001159548	2002	[Bob Berg buckles]
VA0001229288	2003	Bob Berg buckles
	2004	New Buckle 001 - Non Symetrical
VA0001667450	2016	HOLLYWOOD COLLECTION
VAu001296852	2017	Turquoise Collection.
VAu001312785	2017	Bob Berg Hollywood Buckles Series
VAU001312781	2017	POR BERG JEWELRY COLLECTION
VAu001301623	2017	Update Turquoise Collection
VAU001315067 VAU001312778	2017	Update Turquoise Collection, V2

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

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ROBERT BERG,

Plaintiff

VS.

Case No. 6:19-cv-418-JDK

M&F WESTERN PRODUCTS, INC.,

Defendant.

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9:00 a.m. (CST) on April _____, 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

Case 6:19-cv-00418-JDK Document 59-2 Filed 10/28/20 Page 31 of 107 PageID #: 1835

	Respectfully submitted,
Dated: March 4, 2020	
	Ву:
	2 is of tables
	John R. Hardin
	Texas Bar No. 24012784
	JohnHardin@perkinscoie.com
	PERKINS COIE LLP
	500 N. Akard St. Suite 3300
	Dallas, Texas 75201
	Phone: 214-965-7700
	Facsimile: 214-965-7799
	Judith B. Jennison
	Washington State Bar No. 36463
	JJennison@perkinscoie.com
	Kirstin E. Larson
	Washington State Bar No. 31272
	KLarson@perkinscoie.com
	PERKINS COIE LLP
	1201 Third Avenue, Suite 4900
	Seattle, WA 98101-3099
	Tel: 206-359-8000
	Fax: 206-359-9000
	Attorneys for Defendant M & F Western
	Products, Inc.

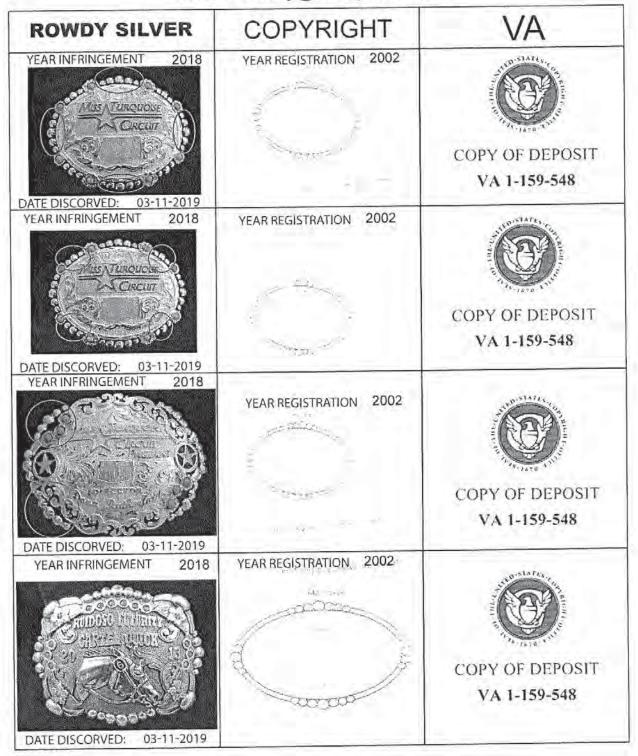
CERTIFICATE OF SERVICE

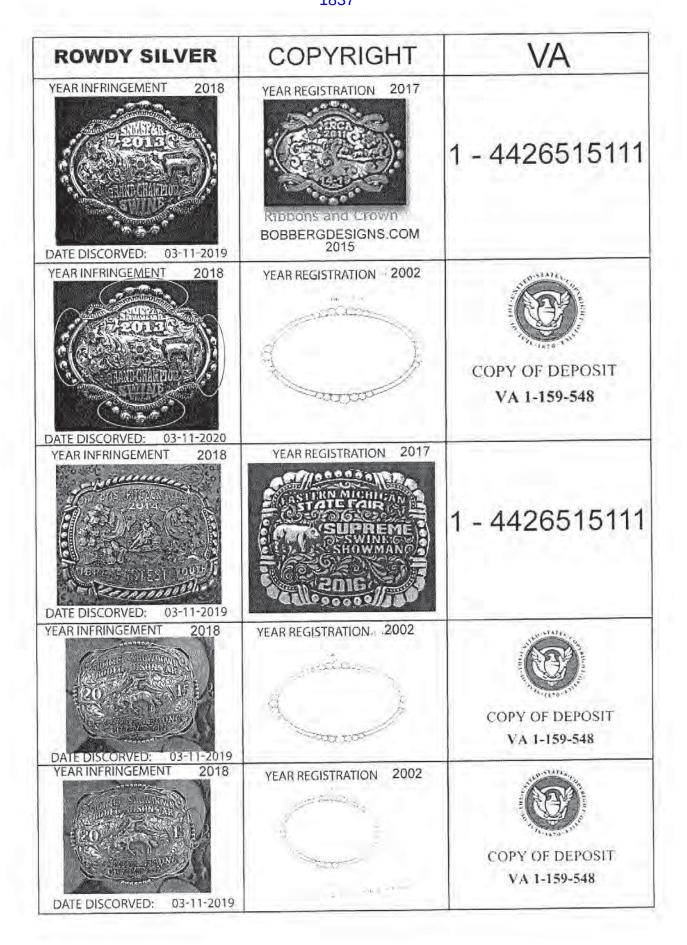
I hereby certify that on March ___, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

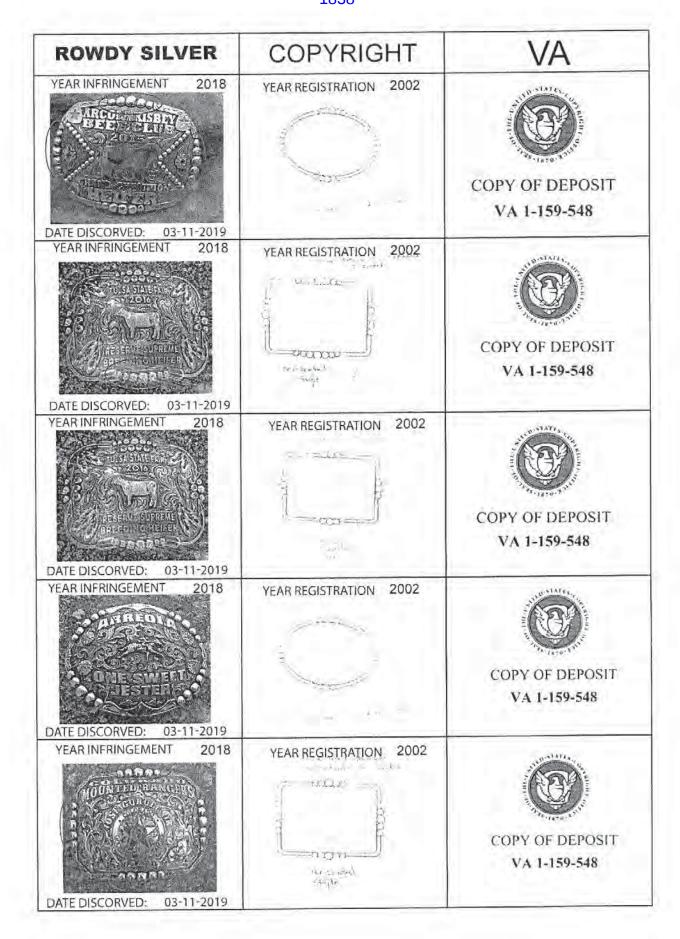
 $\underline{\mathbf{DEFENDANT'S\ Notice\ of\ Deposition\ of\ Plaintiff,\ Robert\ Berg}_{147403677.1}$

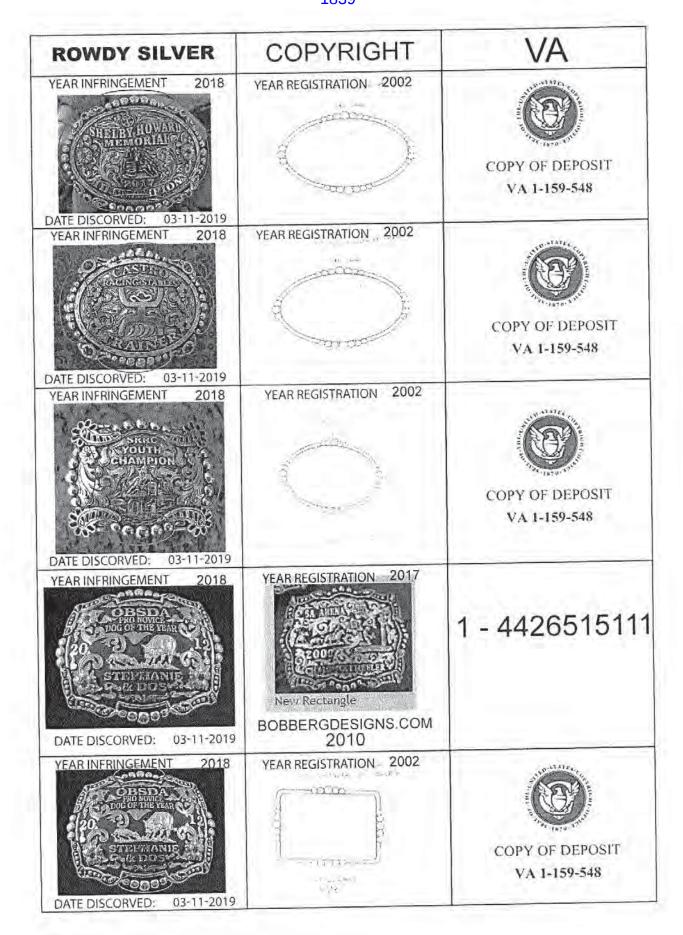
Adress: PO Box 13606 LAS CRUCES, NM 88013

Phone number: (575)640-8090 Website: www.rowdysilver.com Email: stacey@rowdysilver.com

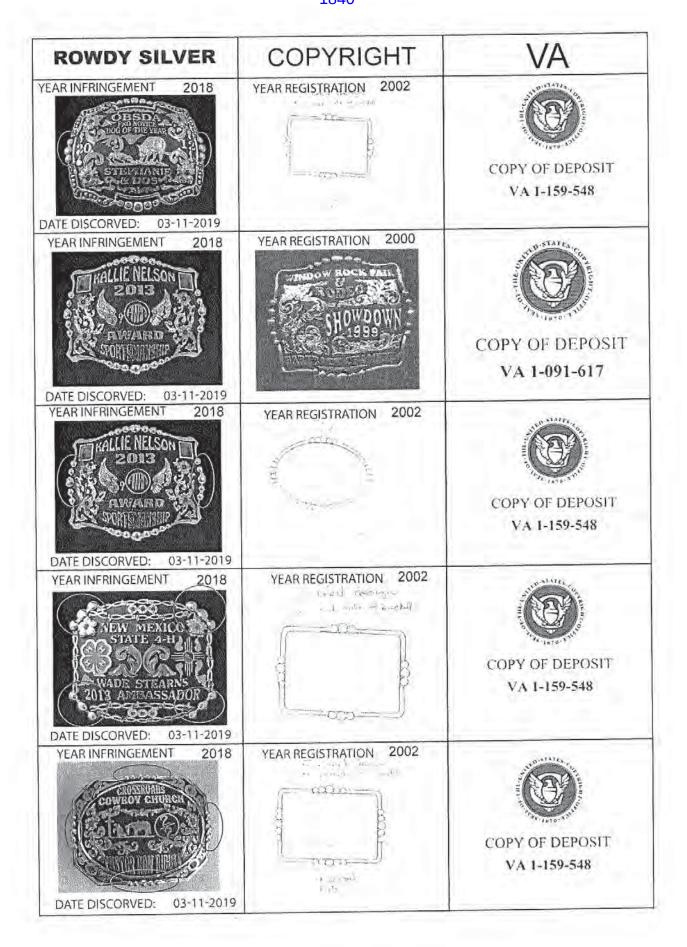


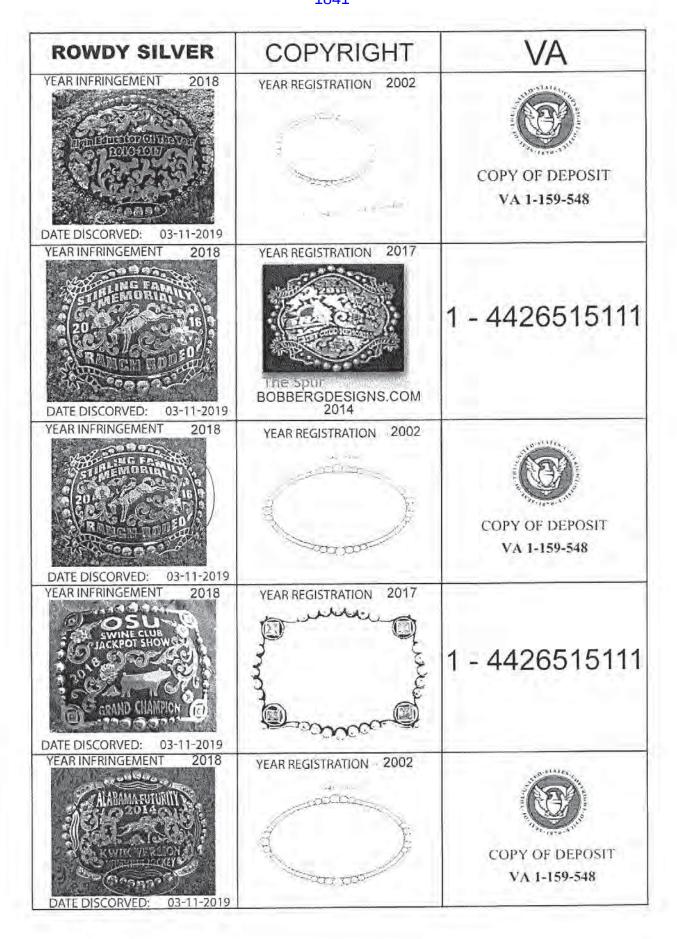




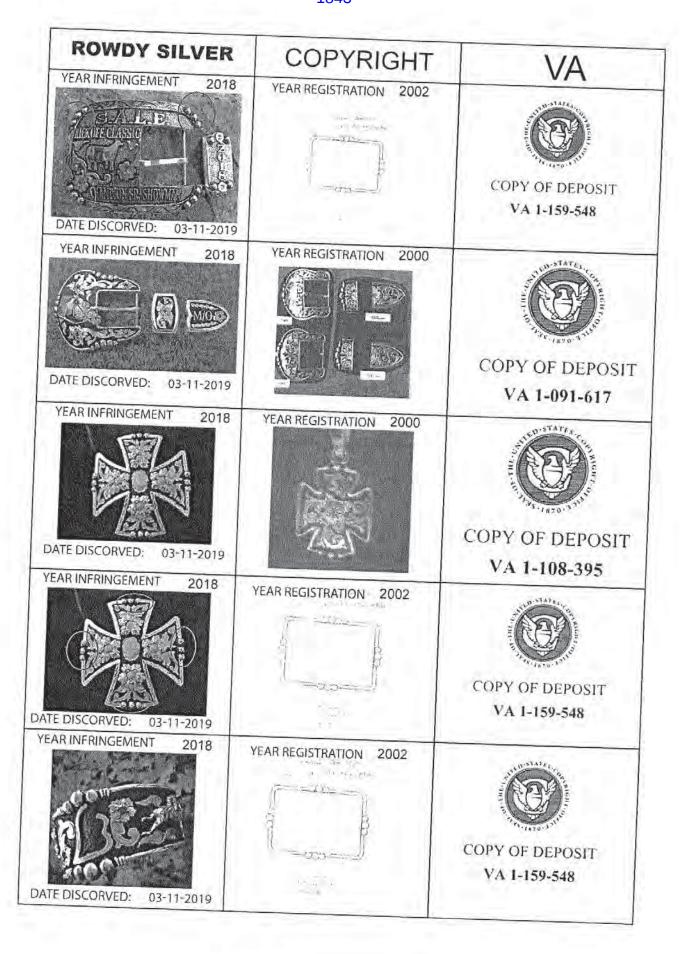
















45 INFRINGEMENTS COPYRIGHT

ALL ABOVE ARE INFRINGEMENTS COPYRIGT DEPOSIT PROOF ATTATCHED



Paul Eddins

 From:
 hyosilver@hyosilver.com

 Sent:
 Friday, March 27, 2020 1:00 PM

To: Paul Eddins

Subject: Fwd: LEGAL NOTICE

Attachments: Attachment 3 Berg-v.-MF-Western-deposition-of-Mr.-Berg-064984-7008.pdf;

ATT00001.htm; Attachment 1 List of Bob Berg's Copyrights.jpg; ATT00002.htm; Attached

2_hyosilver buckle.pdf; ATT00003.htm

Here it is.

830-796-7961 www.hyosilver.com

Begin forwarded message:

From: Bob Berg
bobbergtitanium@gmail.com>
Date: March 27, 2020 at 4:38:22 PM GMT+10

To: "hyosilver@hyosilver.com" <hyosilver@hyosilver.com>

Subject: LEGAL NOTICE

Richard Liebowitz

Email Address: RL@liebowitzlawfirm.com

Phone number: (800) 778-1660 or 516-233-1660

11 Sunrise Plaza, Suite 305 Valley Stream, NY 11580-6111, USA

Liebowitz Law Firm, PLLC

Reprsenting:

BOB BERG DESIGNS

9595 River Road

College Station, TX

77845

Monique Compton (Sales Director)

Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

HYO SILVER

Email: hyosilver@hyosilver.com

Phone number: 830,796,7961

Website: Www.Hyosilver.Com

Address: 1107 12th Street Po Box 2488 (mail) Bandera, TX 78003

Greetings Hyo Silver,

My IT team has been working on your case over the last 3 months. Your wreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations. Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000 ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

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Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

81 X \$150,000 = \$12.150,000

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683

The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthol) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

Your offences ignoring courts order after rulings from 2004 case. The court can award multiple damages.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email:

RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

- 1. Attorney fees
- 2. Possible willful infringement damages
- 3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

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Kind Regards, Customer Service Department, Bob Berg Designs

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

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ROBERT BERG.

Plaintiff

VS.

Case No. 6:19-cv-418-JDK

M&F WESTERN PRODUCTS, INC.,

Defendant.

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

8

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9:00 a.m. (CST) on April _____, 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

PAGE 1

Dated:	March	4.	2020

Respectfully	submitted,
By:	

John R. Hardin Texas Bar No. 24012784 JohnHardin@perkinscoie.com PERKINS COIE LLP 500 N. Akard St. Suite 3300 Dallas, Texas 75201 Phone: 214-965-7700 Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscoie.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

Attorneys for Defendant M & F Western Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March,	2020, I caused copies of the foregoing
document to be served via CM/ECF to the counsel of	record in this matter.
	John R. Hardin

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG 147403677.1

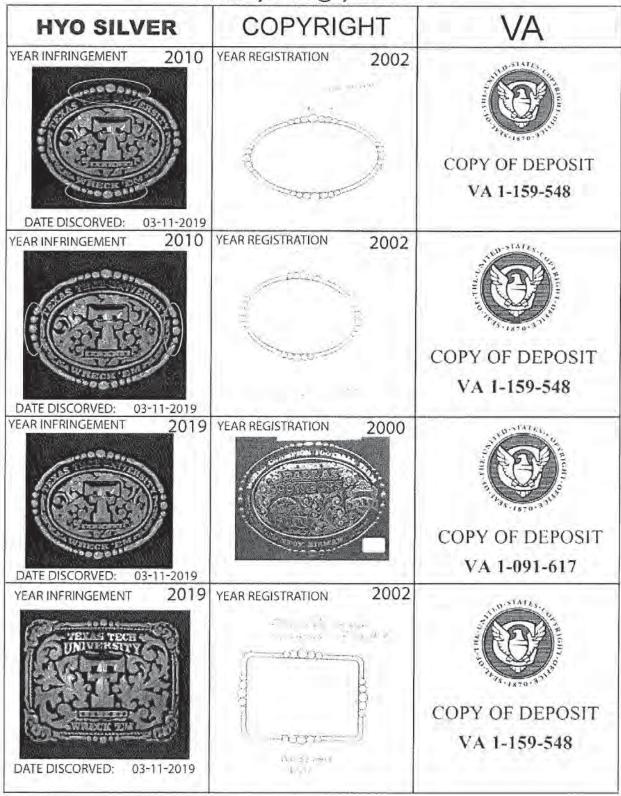
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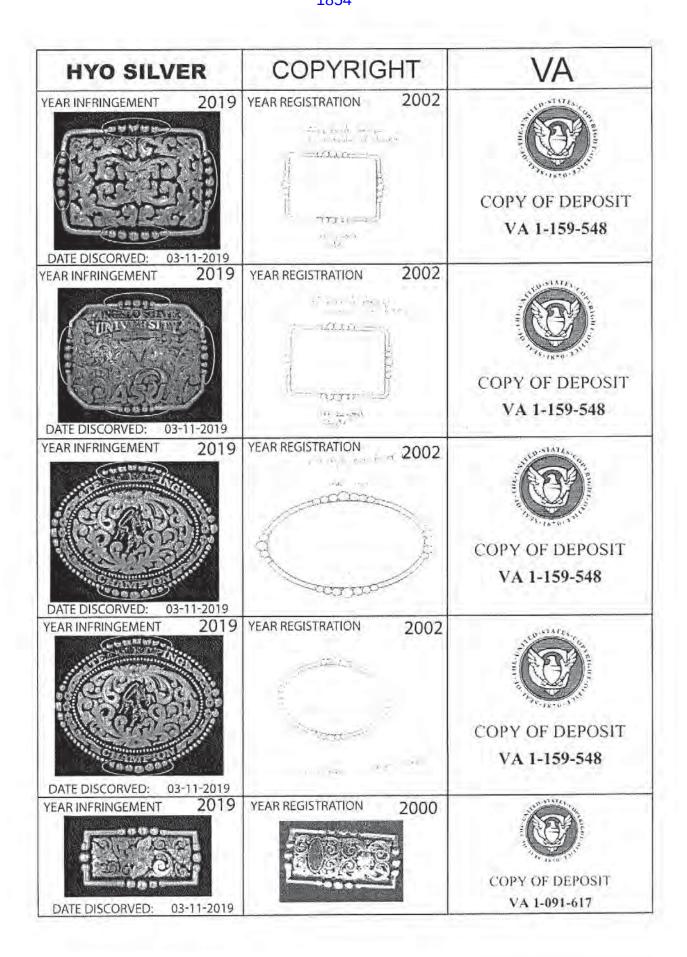
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/A number	1988	Be like Jesus	
/A0000292803	1992	Pecos . Cheyenne . Oval . Skull	
VA0000530294	1993	Feather; Crescent; Small filigree	
VA0000547192	1995	Bandera collection	
VA0000817815	2000	[ProBull Rider champion cup]	
VA0001076361	430	Rob Berg jewelry	
VA0001091617	2000	Pro bull rider champion buckle.	
VA0001096096	2000	Bob Berg Concho Designs	
VA0001653343	2000	Bob Berg Earrings	
VA0001653369	2000	Bob Berg Pendant Designs	
VA0001653370	2000	Bob Berg Necklace Designs	
VA0001653372	2000	- I Dawn Motch Bands	
VA0001653373	2000	[Bob Berg jewelry Bob Berg buckles]	
VA0001108395	2001	[Bob Berg buckles]	
VA0001159548	2002	Bob Berg buckles	
VA0001229288	2003	New Buckle 001 - Non Symetrical	
VA0001667450	2004	HOLLYWOOD COLLECTION	
VAu001296852	2016		
VAu001312785	2017	Bob Berg Hollywood Buckles Series	
VAu001312781	2017	BOB BERG JEWELRY COLLECTION	
VAu001301623	2017	BOB BERG JEVVEEN Collection	
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VAu001312778	2017	Update Turquoise Concerns	

COMPANY: HYO SILVER

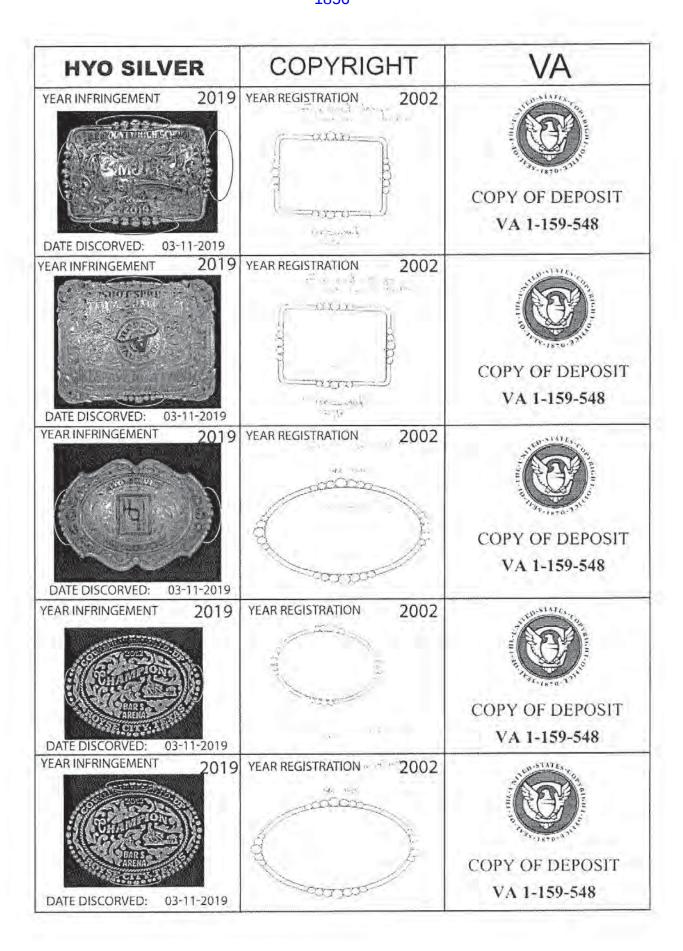
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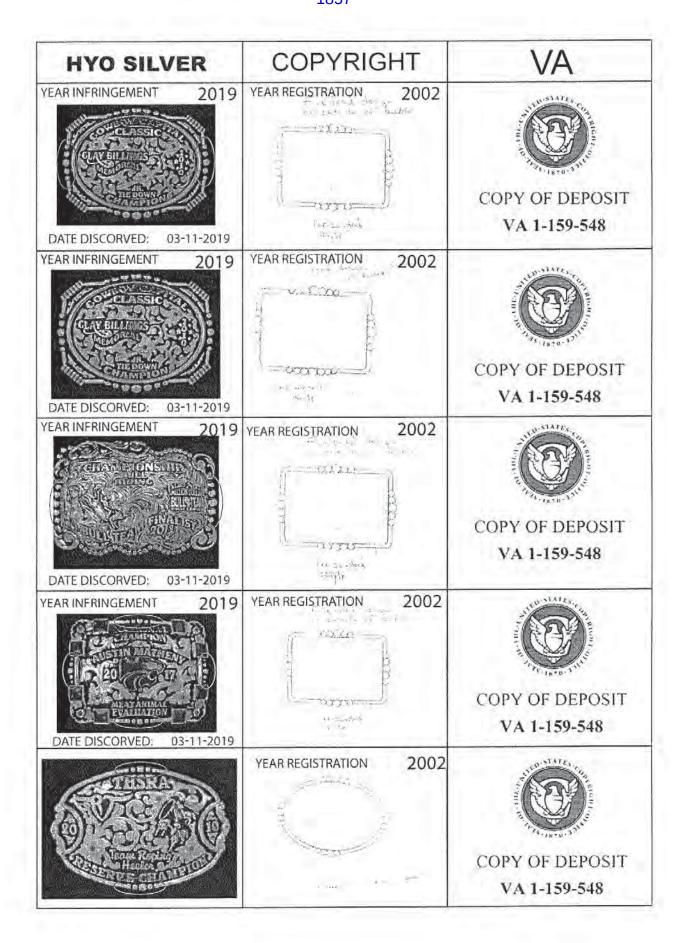
WEBSITE: WWW.HYOSILVER.COM Phone number: 830.796.7961 Email: hyosilver@hyosilver.com

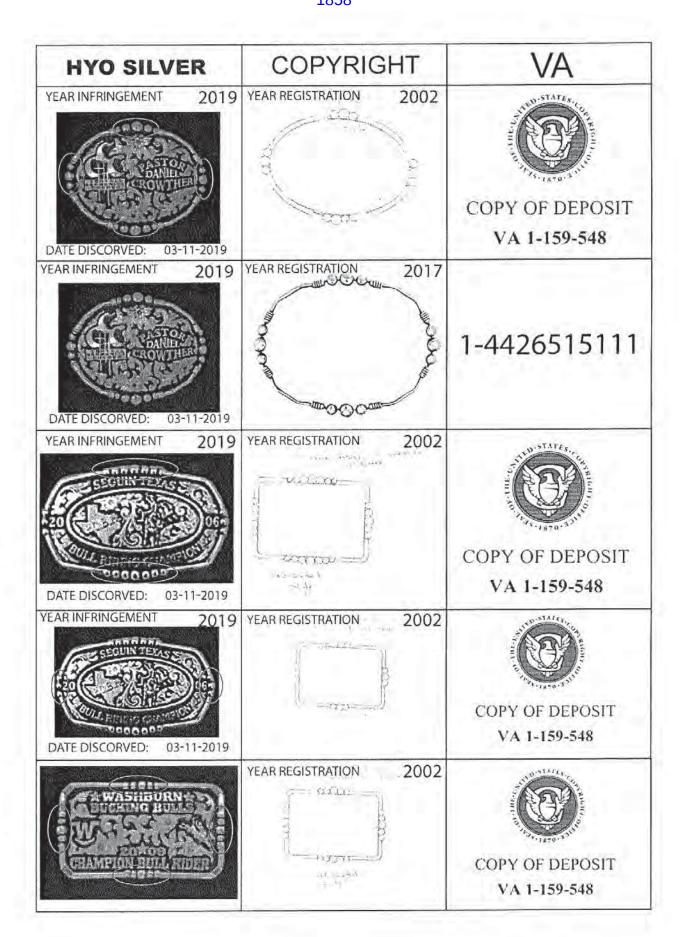


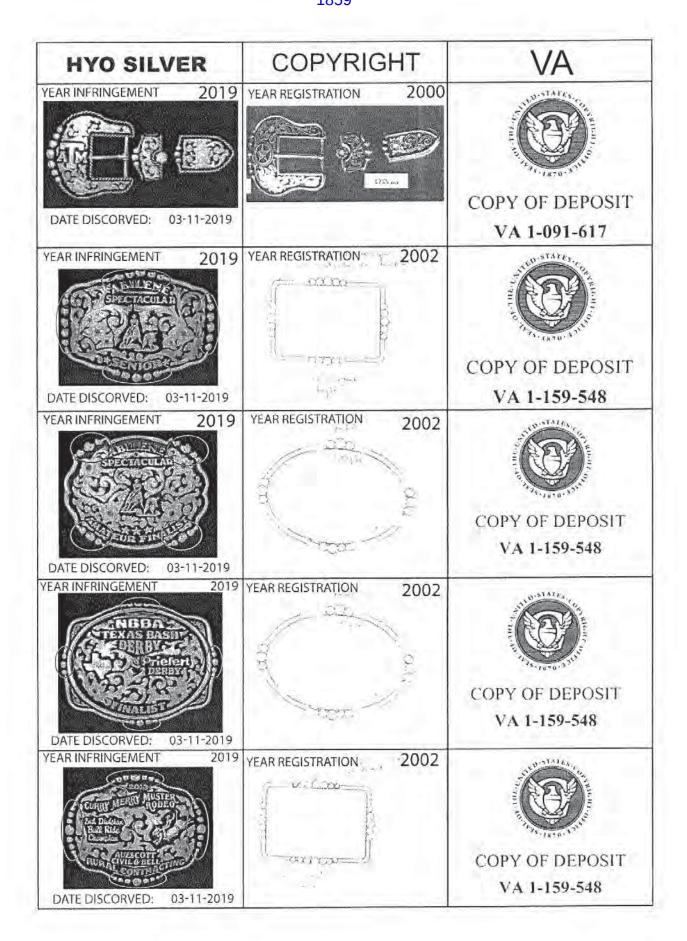


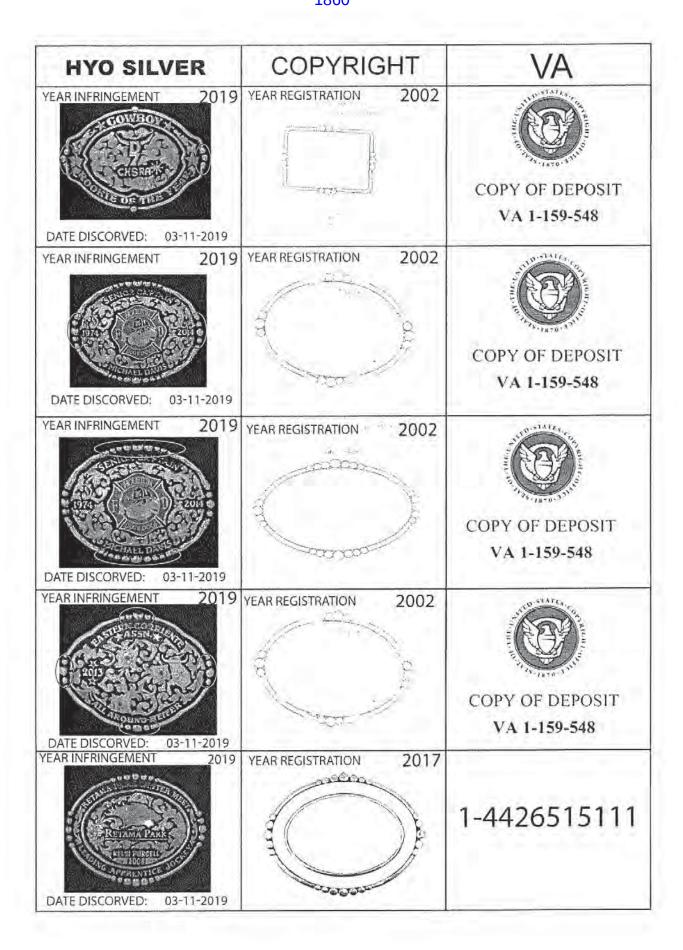


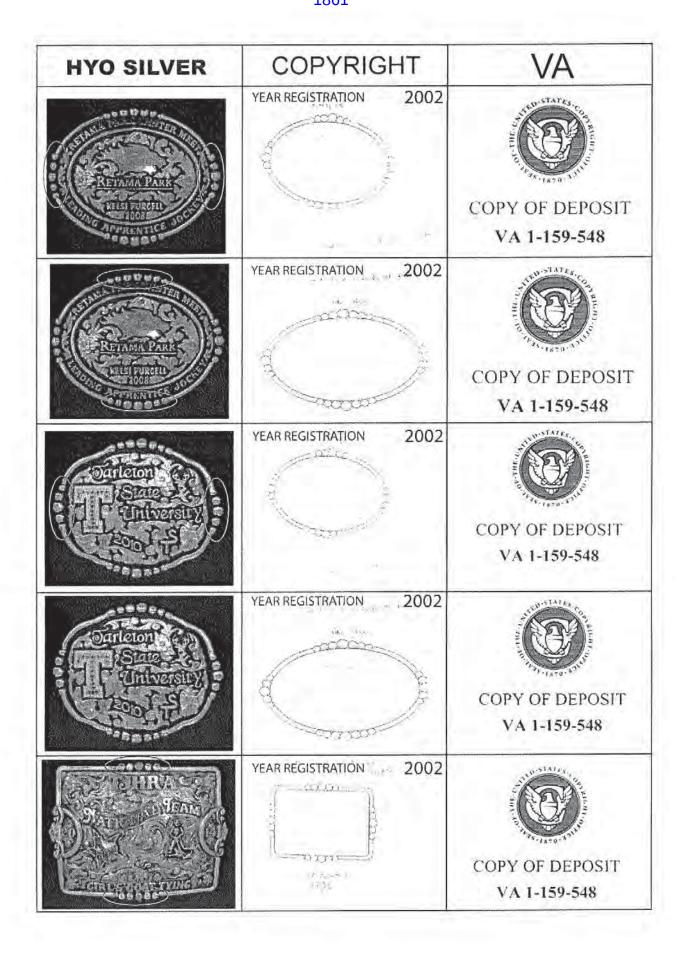


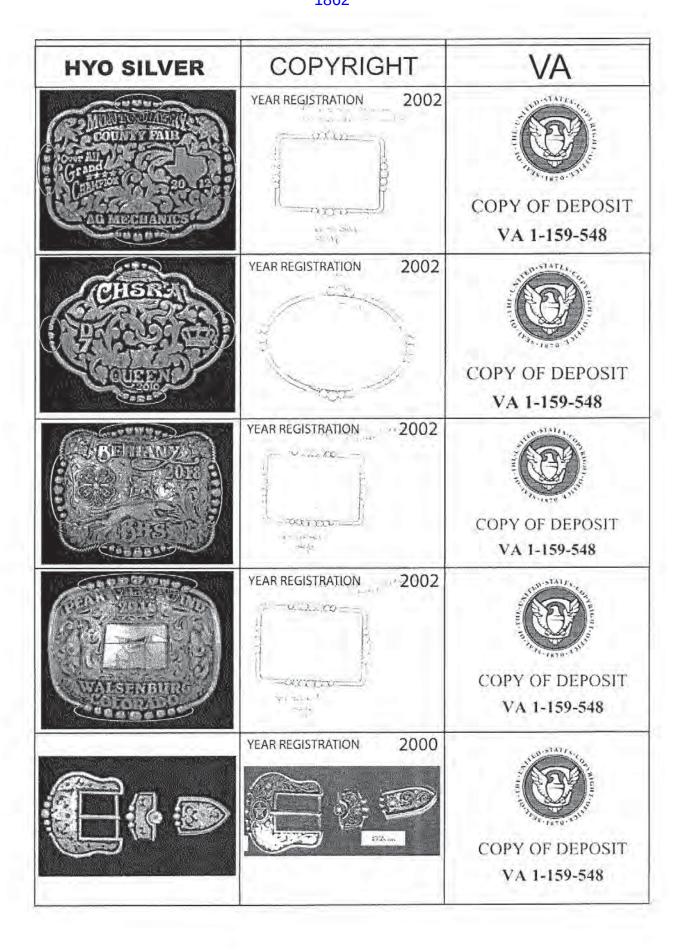


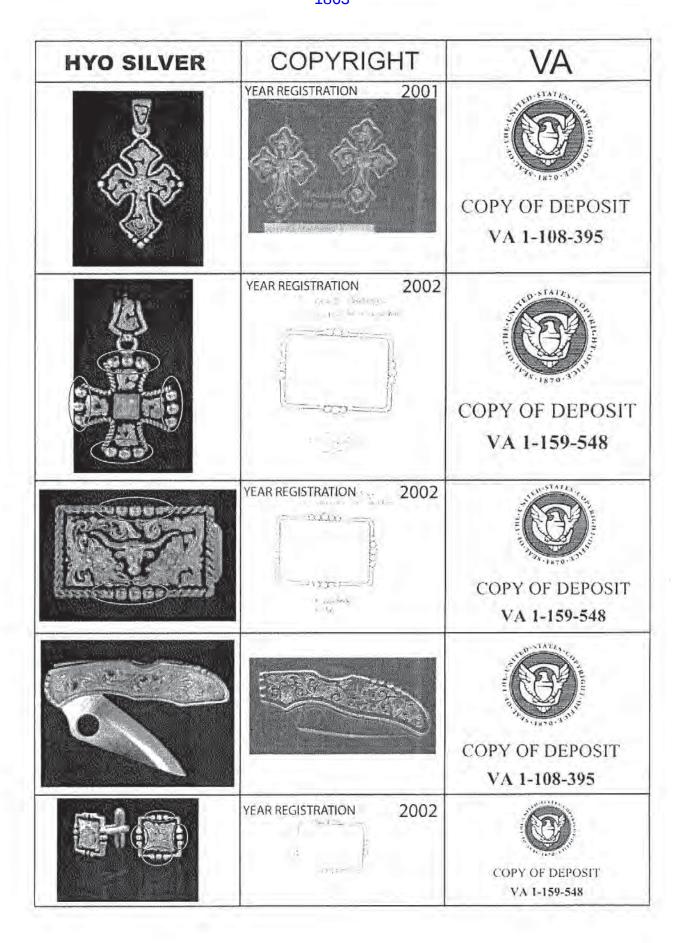


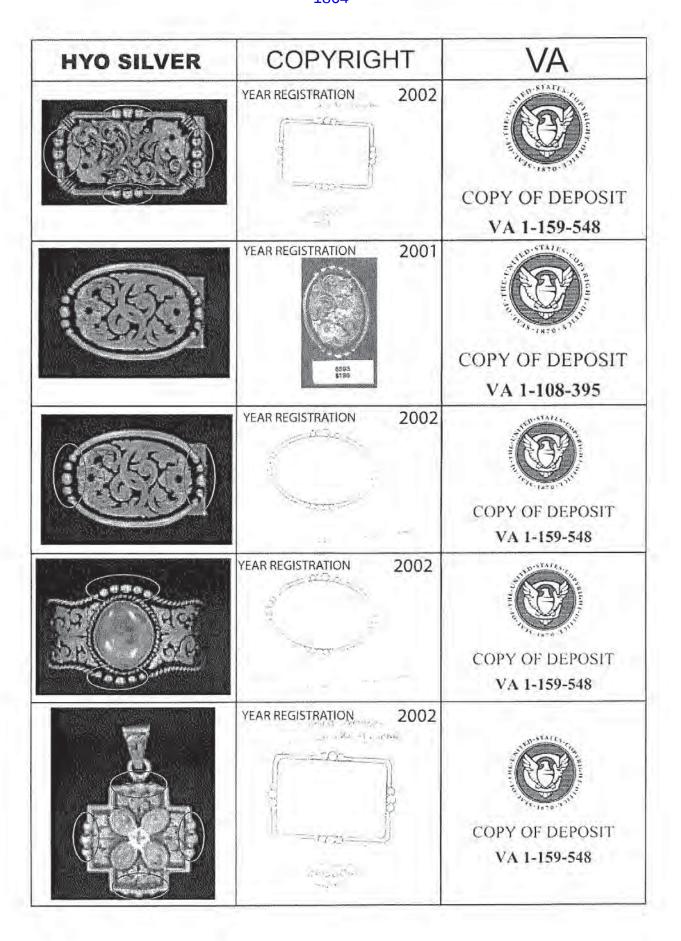


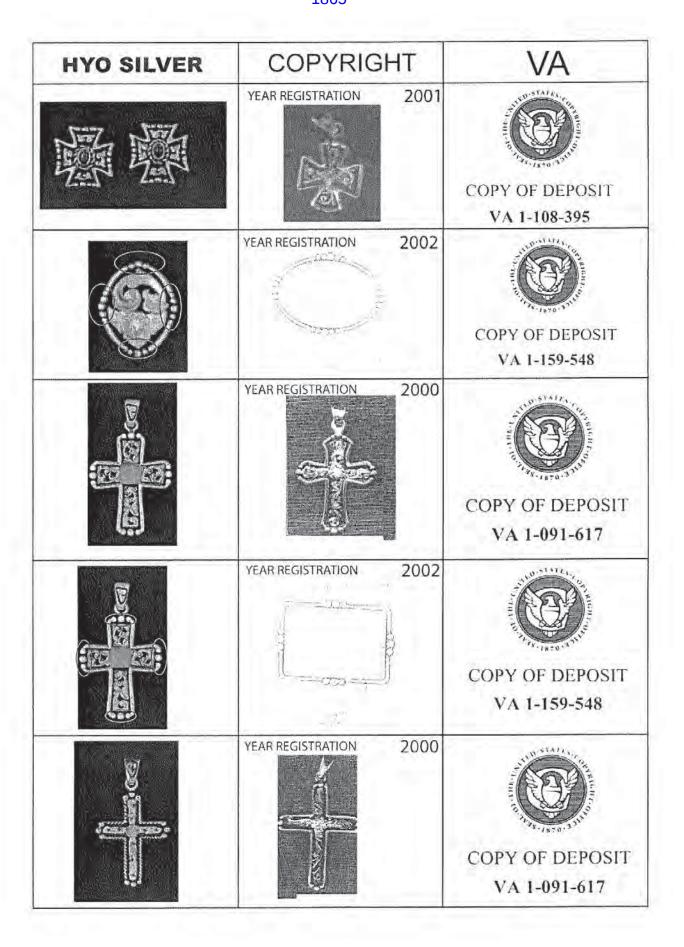


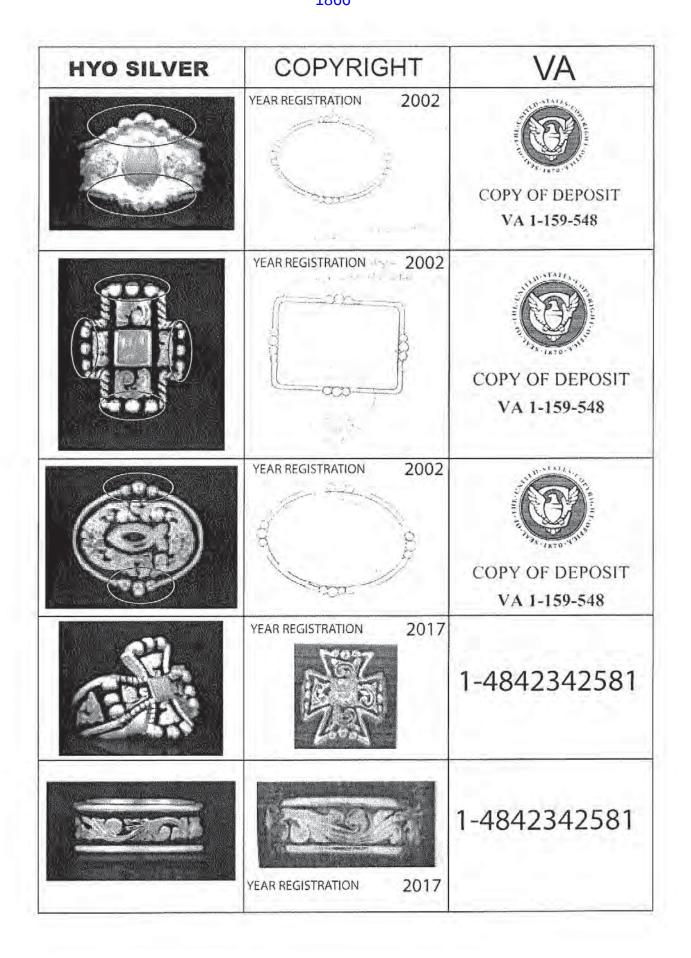


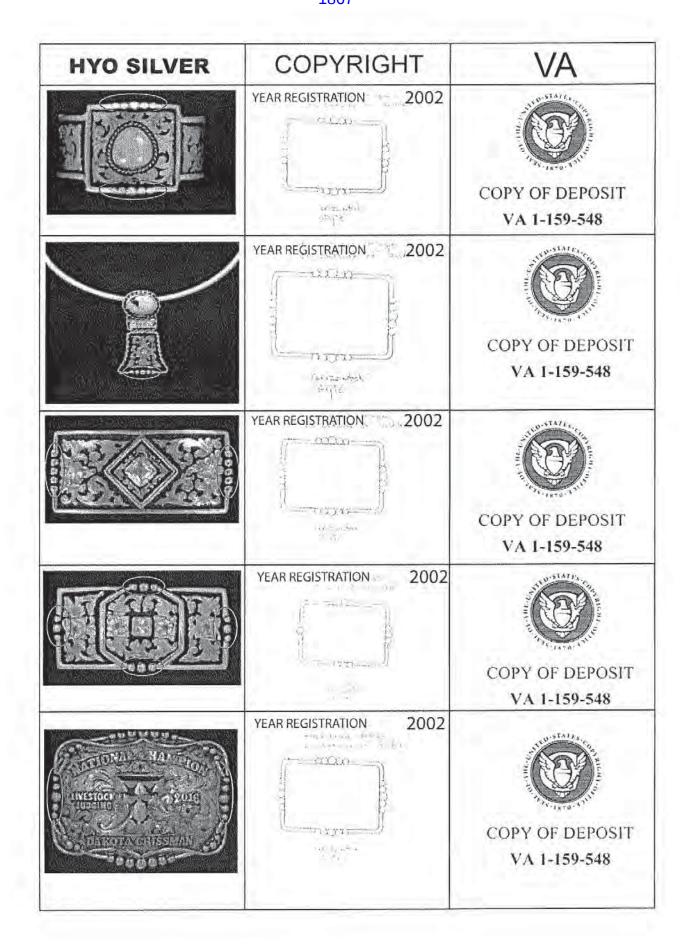


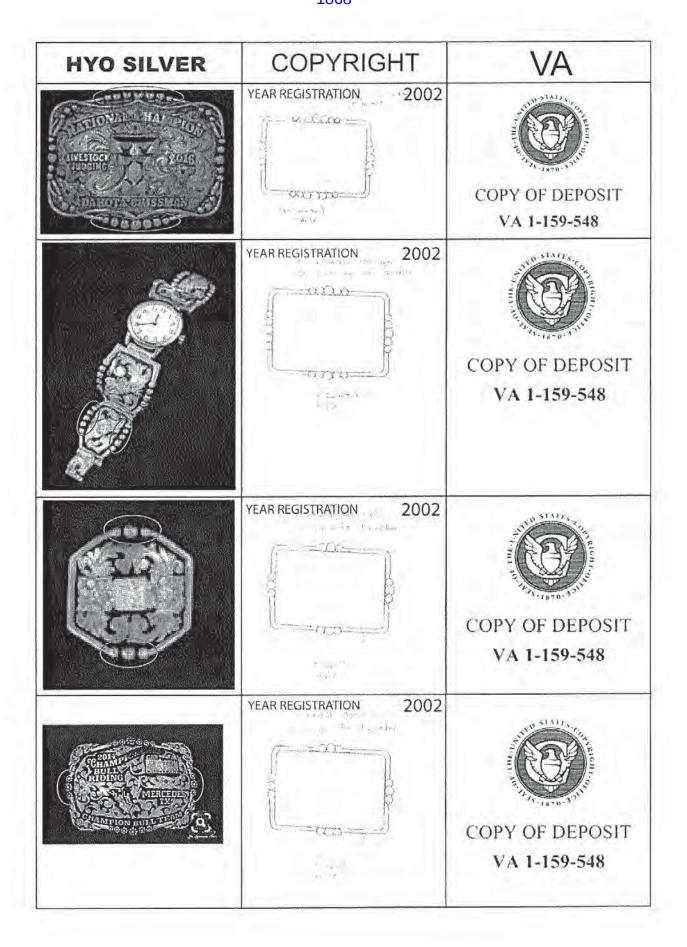


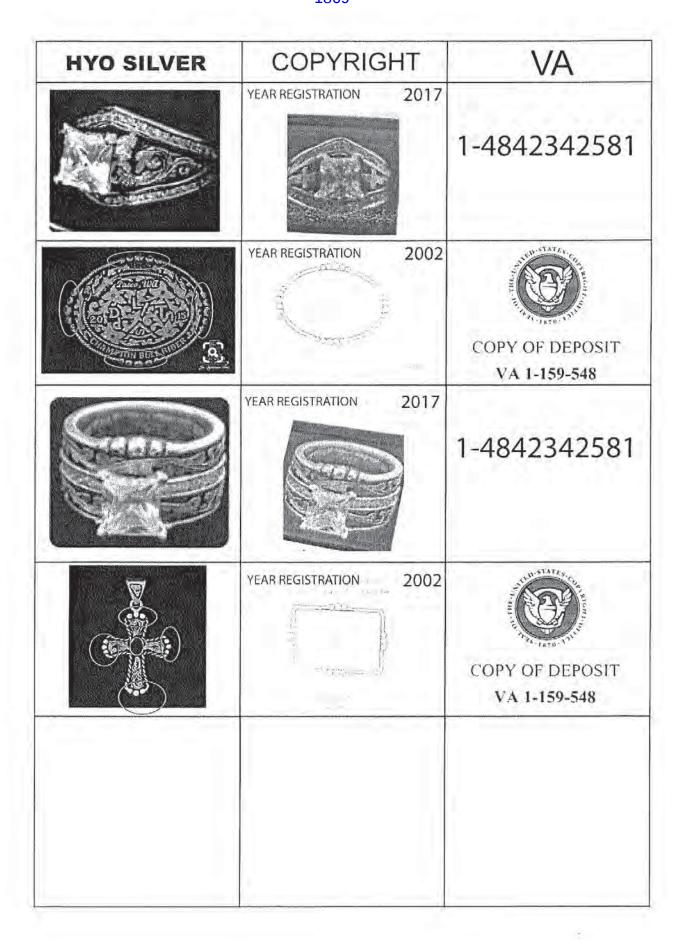




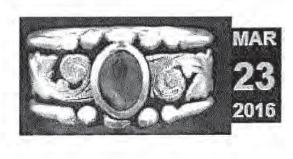




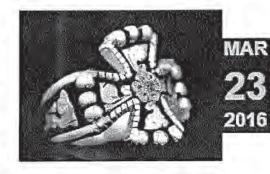












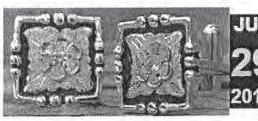








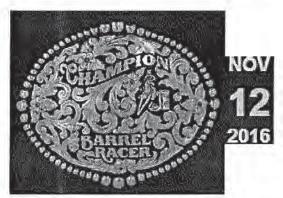


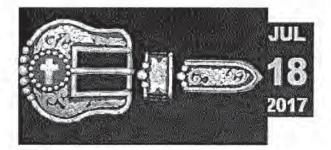


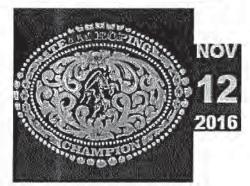






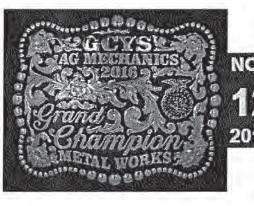


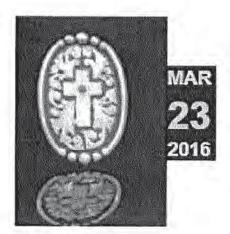


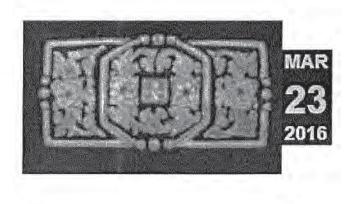








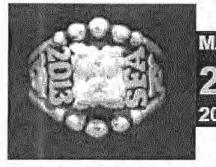












81 INFRINGEMENTS COPYRIGHT
ALL ABOVE ARE INFRINGEMENTS
COPYRIGT DEPOSIT PROOF ATTATCHED

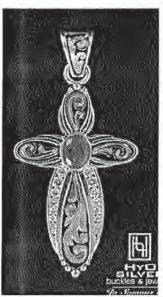


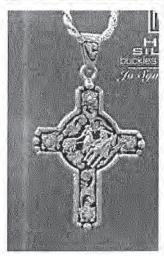


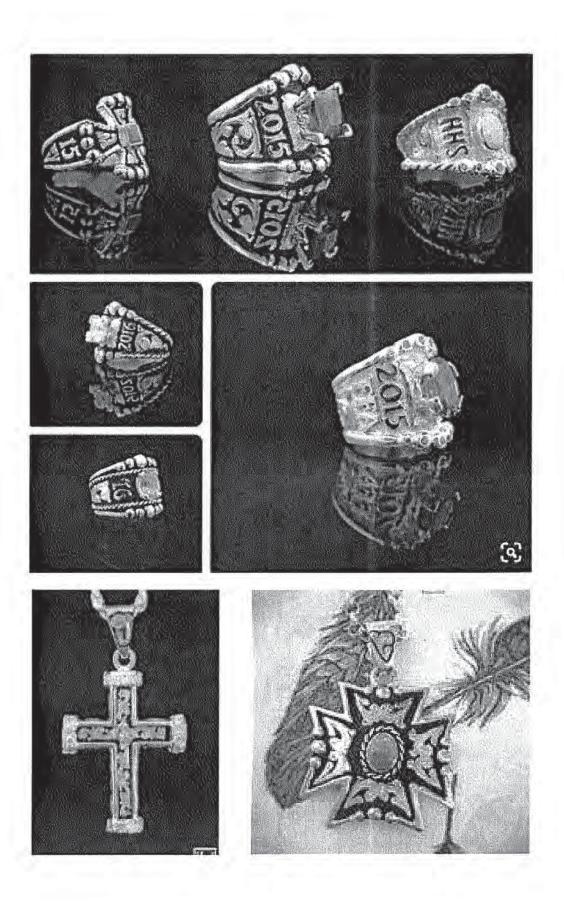


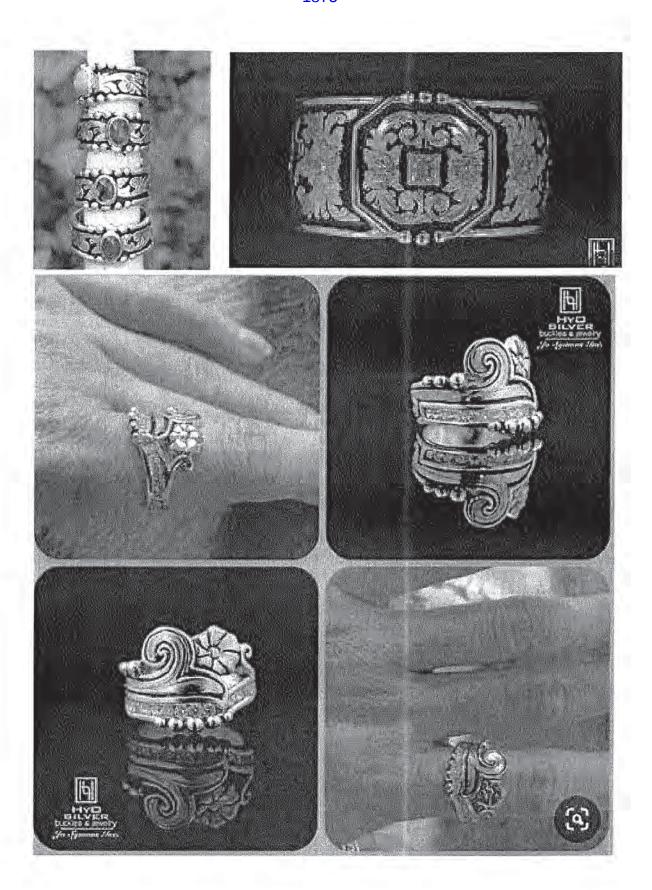




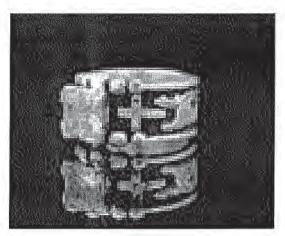










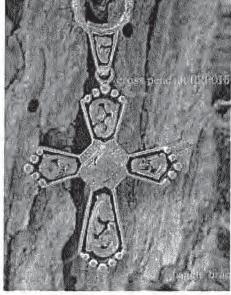














Paul Eddins

From: Sales Ridetuff <sales@ridetuff.com>
Sent: Friday, March 27, 2020 11:33 PM

To: Paul Eddins
Subject: FW: LEGAL NOTICE

Attachments: Attachment 3 Berg-v.-MF-Western-deposition-of-Mr.-Berg-064984-7008.pdf;

Attachment 1 List of Bob Berg's Copyrights.jpg

Cheers, Jo

Ridetuff Buckles Ph: 0427 764 424

From: Bob Berg <bobbergtitanium@gmail.com>

Sent: Friday, March 27, 2020 4:31 PM

To: sales@ridetuff.com Subject: LEGAL NOTICE

Richard Liebowitz

Email Address: RL@liebowitzlawfirm.com

Phone number: (800) 778-1660 or 516-233-1660

11 Sunrise Plaza, Suite 305

Valley Stream, NY 11580-6111, USA

Liebowitz Law Firm, PLLC

Reprsenting:

BOB BERG DESIGNS

9595 River Road

College Station, TX 77845

Monique Compton (Sales Director)

Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

EDDY FISHER - RIDE TUFF

387 Paynters Creek Road NAMBOUR QLD 4560 AUSTRALIA

Phone number: 0427 764 424

Email: sales@ridetuff.com

Greetings Ride Tuff,

My IT team has been working on your case over the last 3 months. Your wreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000

ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case # 6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

THIS LETTER IS A FORMAL REQUEST AND DEMAND TO CEASE AND DESIST, TO TAKE DOWN ANY AND OR ALL COPIES AND OR DERIVATIVES AS IN ATTACHMENT 2 LISTS FROM YOUR WEBSITE WITHIN 15 DAYS FROM TODAY NOTICE.

Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

Your possible liability of infringements in pursuit of financial gain as follow:

 $58 \times $150,000 = $8.700,000$

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

The courts ruling on this case was done in Berg Vs Symons 2004 Federal Case. Case #4:03-cv-02683 The courts ruled in Berg's favor.

The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthol) ruling.

Whereas, with the precedence set in federal court in 2004 there will be no defense that will overturn a Federal court ruling.

However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my attorney Richard Liebowitz email: RL@liebowitzlawfirm.com phone number: (800) 778-1660 suggest you seek legal council.

As early settlement on this issue will save you:

- 1. Attorney fees
- 2. Possible willful infringement damages
- 3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

Kind Regards, Customer Service Department, Bob Berg Designs

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

ROBERT BERG,

Plaintiff

vs.

Case No. 6:19-cv-418-JDK

M&F WESTERN PRODUCTS, INC.,

Defendant.

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

YOU ARE HEREBY NOTIFIED that, pursuant to Fed. R. Civ. P. 30, Defendant M&F Western Products, Inc. ("M&F Western"), by and through its undersigned attorneys, will take the deposition of Plaintiff, ROBERT BERG ("Plaintiff" and "Berg"). Such deposition will commence at 9:00 a.m. (CST) on April ____, 2020, at the offices of Perkins Coie, LLP (500 N. Akard Street, Suite 3300, Dallas, Texas 75201), or at the federal courthouse in Tyler, and will continue from day-to-day until completed. Such deposition will be taken for the purposes of discovery, for use as evidence at trial, and for any other permissible purpose under the Federal Rules of Civil Procedure. The deposition will be taken before a certified court reporter or other person qualified to administer oaths and will be recorded by stenographic means and may be videotaped, and real-time transcription services may be utilized.

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG 147403677.1 PAGE 1

Dated:	March 4,	2020	

Respectfully submitted,

Ву: _____

John R. Hardin
Texas Bar No. 24012784
JohnHardin@perkinscoie.com
PERKINS COIE LLP
500 N. Akard St. Suite 3300
Dallas, Texas 75201
Phone: 214-965-7700
Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscoie.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

Attorneys for Defendant M & F Western Products, Inc.

CERTIFICATE OF SERVICE

	I hereby certify that o	n March,	2020, I	caused	copies of	the	foregoing
document	to be served via CM/ECF to	the counsel o	f record in	this ma	tter.		
			John	R. Hard	in		

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG 147403677.1

PAGE 2

Paul Eddins

From: Blanca

Sent: Thursday, April 02, 2020 11:56 AM

To: Paul Eddins

Subject: fwd: LEGAL NOTICE

Attachments: Attachment 3 Berg-v.-MF-Western-deposition-of-Mr.-Berg-064984-7008.pdf;

Attachment 1 List of Bob Berg's Copyrights.jpg; Attached 2_ccbuckles.pdf

Paul,

Matt Harris from Coolhorse (Acct #189155) called to say that he had received the paperwork attached. I asked him to please forward the documents he received and I would forward them to you. The customer is afraid that these documents might not be legitimate. I asked the customer to include his contact information in case you had any questions for him.

Thank you,

Blanca Tirado

Customer Service Rep.

Tel. 1-800-256-8646 Ext. 285

M&F Western Products, INC

PO BOX 287

Sulphur Springs, TX 75483

From: Matt Harris <matth@coolhorse.com> Sent: Thursday, April 2, 2020 11:37 AM To: Blanca <Blancat@mfwestern.com>

Subject: Fwd: LEGAL NOTICE

Here are the documents we received last Friday from a "supposed" lawyer in New York representing Bob Berg. We are a little suspect because of how unprofessional the documents were, the time that it came in, the method we were notified (email) and that you guys had not been notified either.

My trademark and copyright attorney is looking into it as well but has the same thoughts as us. Curious to see what your opinion is and I wonder what other buckle and silver companies have received this email.

Feel free to call me at 806-674-4226 (mobile) with any thoughts or insight toward this.

Sincerely,

Matt Harris Coolhorse & Champion's Choice Silver 6951 S. Bell Amarillo, Texas 79109 806-350-6431



----- Forwarded message ------

From: Bob Berg <bobbergtitanium@gmail.com>

Date: Fri, Mar 27, 2020 at 1:25 AM

Subject: LEGAL NOTICE To: <info@ccbuckles.com>

Richard Liebowitz

Email Address: <u>RL@liebowitzlawfirm.com</u>

Phone number: (800) 778-1660 or 516-233-1660

11 Sunrise Plaza, Suite 305

Valley Stream, NY 11580-6111, USA

Liebowitz Law Firm, PLLC

Reprsenting:

BOB BERG DESIGNS

9595 River Road

College Station, TX 77845

Monique Compton (Sales Director)

Phone Number: 979.412.3520

Email: bobbergtitanium@gmail.com

CCBUCKLES

Address: 6951 S Bell St. Amarillo, TX 79109

Phone number: 806-674-4670 Email: info@ccbuckles.com

Greetings CCBUCKLE,

My IT team has been working on your case over the last 3 months. Your wreckless disregard for Bob Berg Copyrights Designs and the illegal use for manufacture of Copies and or derivatives have put you and or your company liable for damages under Copyrights Law.

ATTACHED 1: List of Bob Berg's Copyrights and the year registered and registered VA numbers.

ATTACHED 2: A list of your infringements based from your website.

Your company isn't the only infringer of Bob Berg Products and registered designs. We have 24 others infringers our law firm may litigate within the statute of limitations.

Currently M&F Western is a major distributor nationwide. M&F has 10 willful infringements which can be proved willful penalties allowed by law for willful infringements is a maximum of \$150,000 per style

M&F liability 10 infringements may cost M&F 1.5 million in damages 10X\$150,000 ATTACHED 3: Deposition notice of our current case with M&F. Bob Berg Vs M&F Case #

6:19cv418-JDK. M&F spared no time in gathering lawyers. However, 3 lawyers cannot overturn a Federal Court Ruling.

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Taking down your infringements and complying with this letter of demand will not save you from responsibility and litigation. However, by complying within 15 days will show respect for the law and be in your favor when the courts are deciding from evidence presented will show either regular infringement or willful infringement. Damages on regular infringement range from \$750 to \$30,000 per infringed works.

Willful infringement can be up to a maximum of \$150,000 per infringed works.

So any delay in deleting the infringement of your website will not be in your favor.

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28 X \$150,000 = \$4.200,000

Also the plaintiff may recover reasonable attorneys fees.

(This could range from \$50,000 to \$150,000)

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The tapered sized bead elements totally protected. Judgment already made and rulings set from that case also pertains to 95% of all infringement by the other 24 defendants including your case. This means we already have the ruling in this matter with Berg Vs Symons case with the federal judge's (Rosenthol) ruling.

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However, our attorneys are willing to consider and agreeable settlement to expedite this matter and saving court costs and time. It would be in your best interest to negotiate an agreement with my

attorney Richard Liebowitz email: <u>RL@liebowitzlawfirm.com</u> phone number: (800) 778-1660 suggest you seek legal council.

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- 1. Attorney fees
- 2. Possible willful infringement damages
- 3. The possibility if the facts show in your case and can prove criminal which incurs a maximum 5 years federal prison and or \$250,000 fine.

Regard.

BOB BERG

Kind Regards, Customer Service Department, Bob Berg Designs

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

§

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ROBERT BERG,

Plaintiff

VS.

Case No. 6:19-cv-418-JDK

M&F WESTERN PRODUCTS, INC.,

Defendant.

DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

TO: Plaintiff, ROBERT BERG, by and through his attorney of record, Richard Liebowitz, Liebowitz Law Firm, PLLC, 11 Sunrise Plaza, Suite 305, Valley Stream, New York 11580.

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DEFENDANT'S NOTICE OF DEPOSITION OF PLAINTIFF, ROBERT BERG

PAGE 1

Dated:	Man	wh 4	2020
Dateu.	AVI CA	CH -2	4040

Respectfully	submitted,	
D		

John R. Hardin Texas Bar No. 24012784 JohnHardin@perkinscoie.com PERKINS COIE LLP 500 N. Akard St. Suite 3300 Dallas, Texas 75201 Phone: 214-965-7700 Facsimile: 214-965-7799

Judith B. Jennison
Washington State Bar No. 36463
JJennison@perkinscole.com
Kirstin E. Larson
Washington State Bar No. 31272
KLarson@perkinscole.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Tel: 206-359-8000
Fax: 206-359-9000

Attorneys for Defendant M & F Western Products, Inc.

CERTIFICATE OF SERVICE

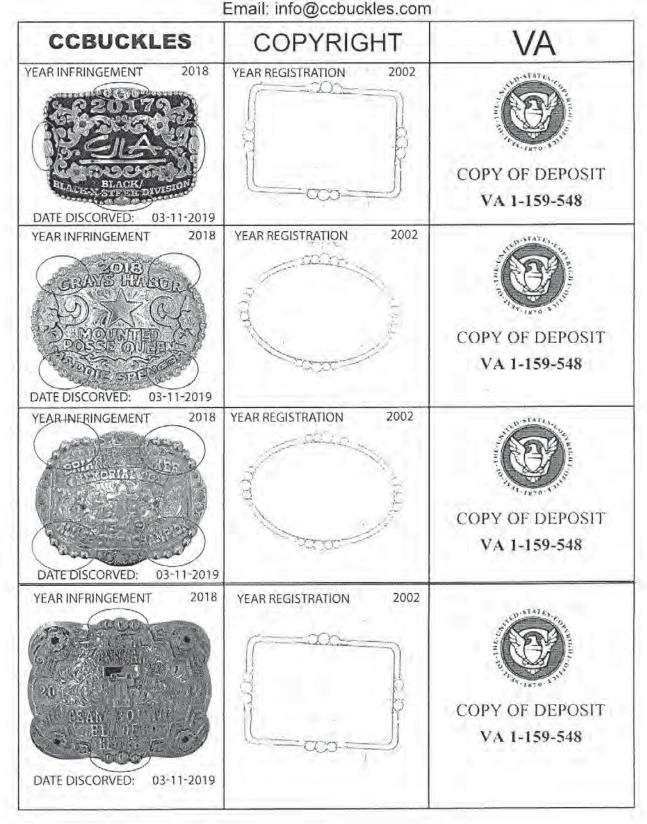
I hereby certify that on March ___, 2020, I caused copies of the foregoing document to be served via CM/ECF to the counsel of record in this matter.

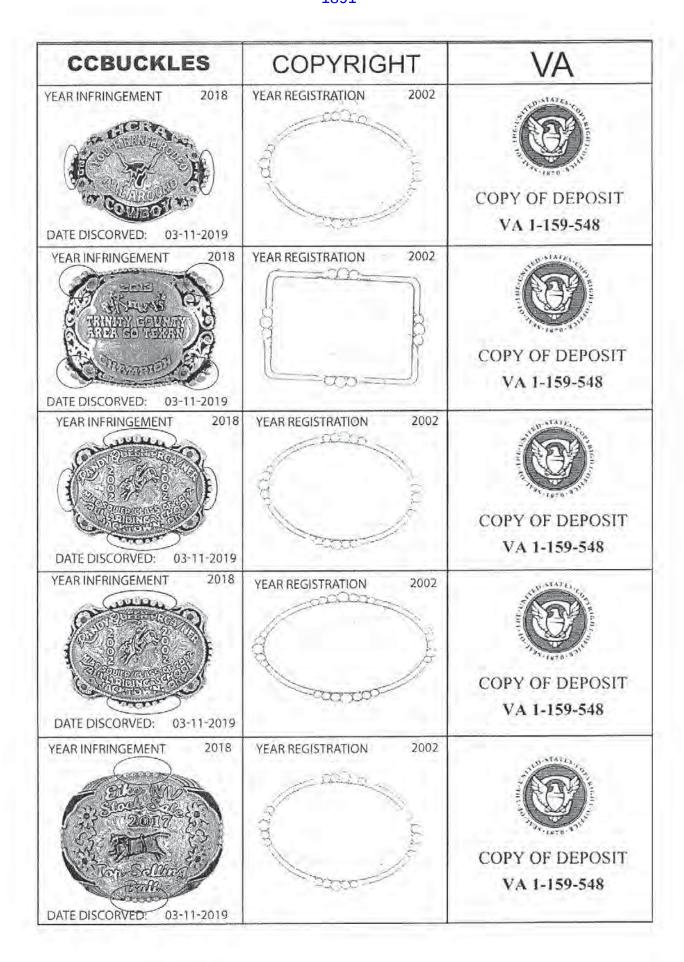
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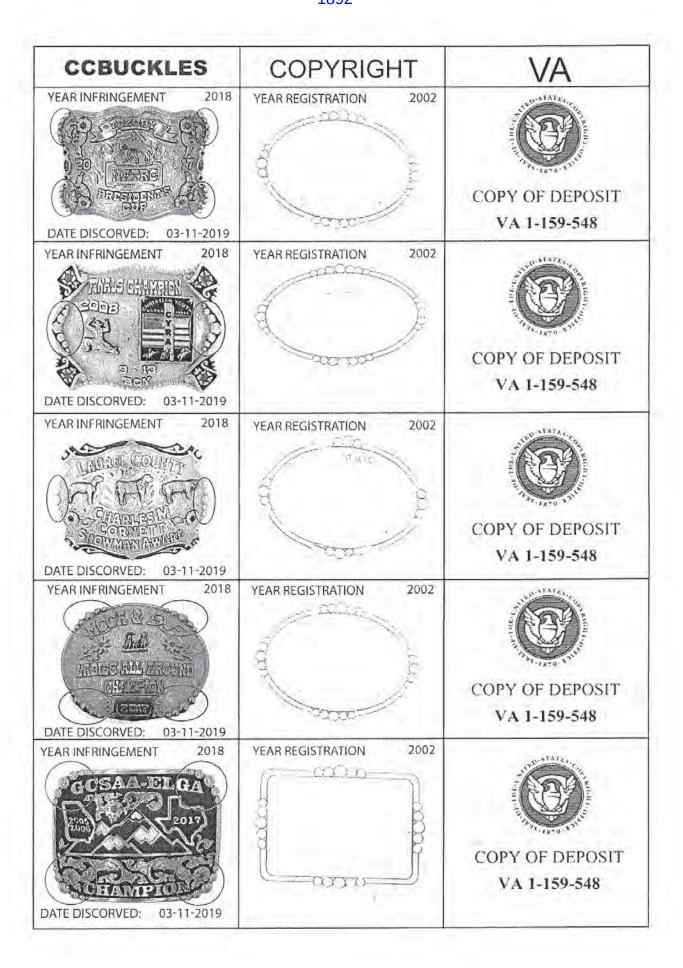
PAGE 2

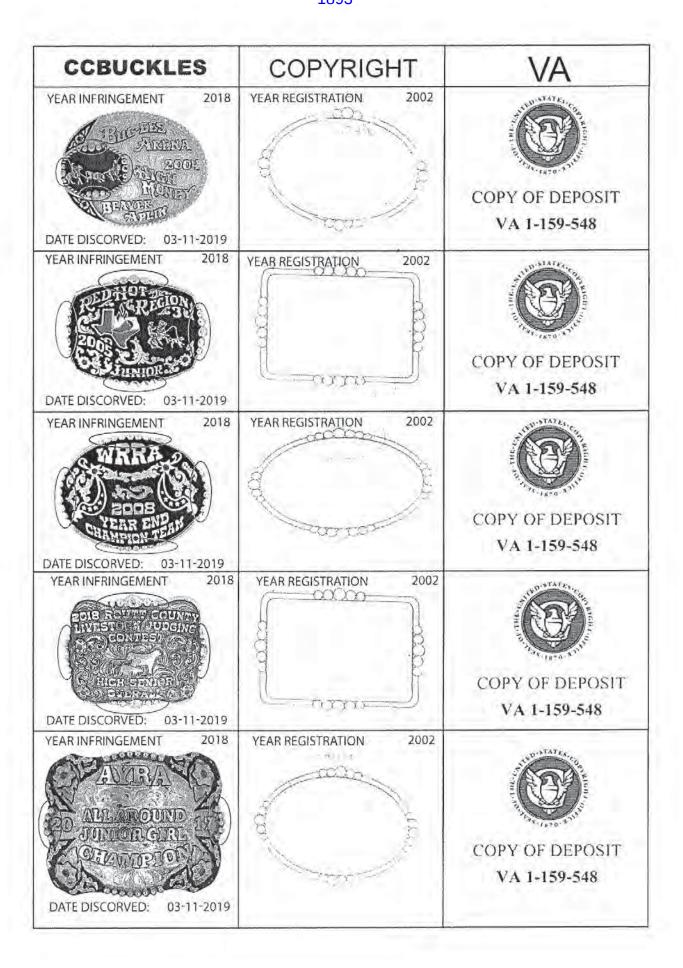
COMPANY : CCBUCKLES

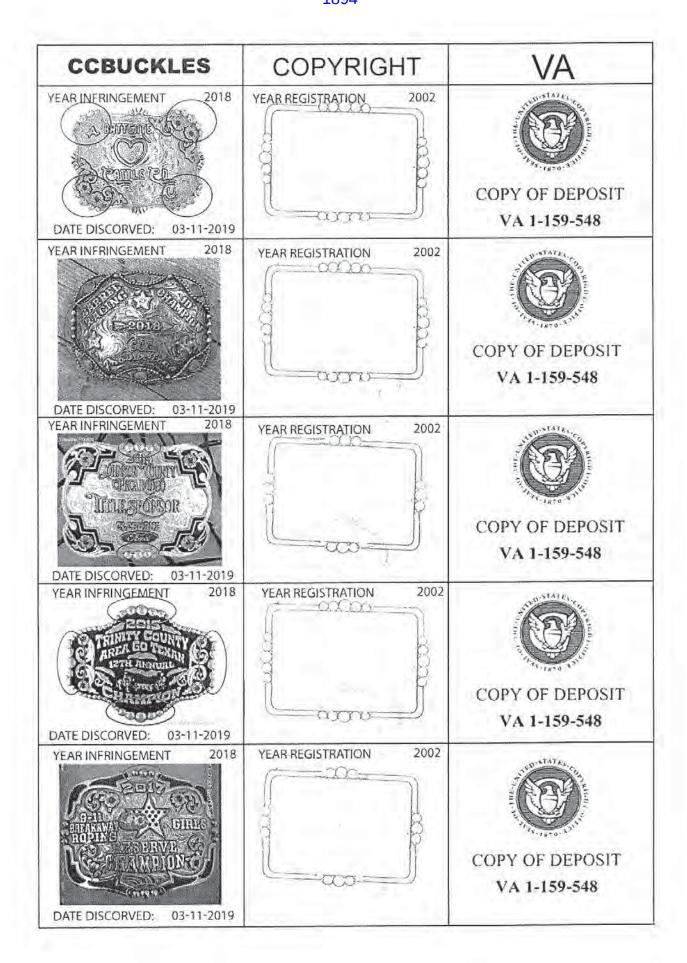
Address: 6951 S Bell St. Amarillo, TX 79109 WEBSITE: HTTPS://CCBUCKLES.COM Phone number: 806-674-4670

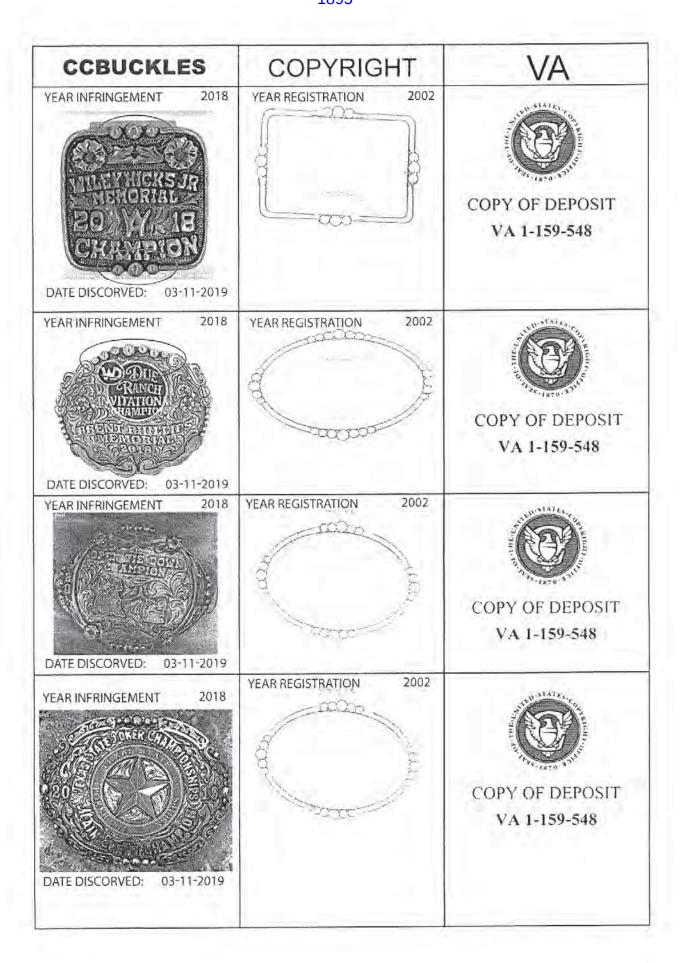








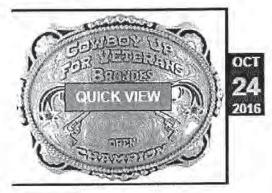


























Paul Eddins

From: Corriente Buckle Co. <corrientebuckle@aol.com>

Sent: Wednesday, April 15, 2020 8:54 AM

To: Paul Eddins

Subject: Fwd: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE

Attachments: Amended Complaint_4_1_20-Clean (1).docx

Thank You, Bode Baize

Corriente Buckle Co.

Tracey's Desk: 575-874-3697 Brittney's Desk: 915-497-5579 Bode's Cell: 915-497-5747

Fax: 575-874-3389 corrientebuckle@aol.com

----Original Message----

From: Bob Berg

bobbergtitanium@gmail.com>
To: corrientebuckle <corrientebuckle@aol.com>

Sent: Wed, Apr 15, 2020 12:29 am

Subject: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE

HI THERE,

ATTACHED IS LASTEST ON THE LITIGATION OF INFRINGERS OF BOB BERG DESIGNS M AND F DEMAND FOR TRIAL

IF YOU WANT TO AVOID THE SAME DAMGES, DELETE THESE INFRINGEMENTS ASAP AND POSSIBLY AVOID LITIGATION.

BOB BERG

Kind Regards,

Customer Service Department, Bob Berg Designs

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS

ROBERT BERG,

Plaintiff.

Docket No. 6:19-cv-0418

JURY TRIAL DEMANDED

- against -

M & F WESTERN PRODUCTS, INC.

Defendant.

AMENDED COMPLAINT

Plaintiff Robert Berg ("Berg" or "Plaintiff") by and through his undersigned counsel, as and for his Amended Complaint against Defendant M & F Western Products, Inc. ("M & F" or "Defendant") hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant's unauthorized reproduction and public display of copyrighted designs, owned and registered by Berg, a professional designer. Accordingly, Berg seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 et seq.

JURISDICTION AND VENUE

- 2. This claim arises under the Copyright Act, 17 U.S.C. § 101 et seq., and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
- 3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in Texas.
 - 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

- 5. Berg, a native of Australia, is a professional designer who currently resides in Vietnam. Currently, Berg is unable to travel to the United States due to visa issues, as well as due to the pandemic.
- 6. Upon information and belief, M & F is a domestic business corporation organized and existing under the laws of the State of Texas, with a place of business at 1303 Holiday Drive, Sulphur Springs, Texas 75482. Upon information and belief M & F is registered with the Texas Department of State Division of Corporations to do business in the State of Texas.

STATEMENT OF FACTS

- A. Background and Plaintiff's Ownership of the Designs
- In the late 1970s, Berg was a rodeo performer and silversmith in Australia who began designing and selling western jewelry.
- 8. After an injury ended his rodeo eareer, Berg expanded his jewelry business. Although he focused on belt buckles, he also began to design, produce, and sell westernstyle rings, necklaces, bracelets, conchos, spurs, knives, and three-piece buckle sets.
- 9. In 1993, Berg moved to Bandera, Texas, to pursue the western jewelry market in the United States. Berg continued to design jewelry and buckles which have a distinctive "look" consisting of the following original elements: black background, the use of "tri-color" (red, green, and yellow) gold; a layer of scrollwork with a vine design, a layer of leaves, and a third layer of flowers; and, when edged, use of a raised silver edge with large tapered beads. Hand-cut and soldered scrollwork and lettering characterize Bob Berg

designs. Berg initiated the technique of stacking tri-color gold to achieve a threedimensional look in his buckles and jewelry.

- 10. By 2000, Berg's jewelry designs had become well-known in the United States and Texas. For example, he was asked to design the trophy cup for the world championship professional bull riding competition. He also built championship buckles for prominent rodeo committees across the United States and supplied buckles to the champions of the Australian Pro Rodeo Association for over two decades.
- 11. Between 2000 and 2003, Berg created original designs consisting of Western-styled jewelry and belt buckles that are the subject of this lawsuit (collectively the "Designs"). A true and correct copy of some of the Designs are attached hereto as Exhibit
 A.
- 12. In 2000, Berg created a stylized and intricate design of a cross with angular corners (the "Angular Cross") and registered it with the U.S. Copyright Office under No. VA 1-091-617, with effective date of June 12, 2000 (the "617 Registration"). Attached as Exhibit B is a true and correct copy of the 617 Registration, as maintained by the U.S. Copyright Office's website.
- 13. In 2002, Berg created a stylized and intricate design for an oval belt buckle (the "Oval Buckle") and registered it with the U.S. Copyright Office under No. VA 1-159-548, with effective date of July 26, 2002 (the "548 Registration"). Attached as <u>Exhibit C</u> is a true and correct copy of the 548 Registration, as maintained by the U.S. Copyright Office's website.
- 14. In 2002, Berg created a stylized and intricate design for a rectangular belt buckle (the "Rectangular Buckle") and registered it with the U.S. Copyright Office under No. VA 1-159-548, with effective date of July 26, 2002. See Exhibit C.
 - 15. In 2003, Berg created a stylized and intricate design for a cross with linear

corners (the "Linear Cross") and registered it with the U.S. Copyright Office under No. VA 1-229-288, with effective date of August 29, 2003 (the "288 Registration"). Attached as Exhibit D is a true and correct copy of the 288 Registration, as maintained by the U.S. Copyright Office's website (the "288 Registration").

- 16. Berg is the author of the Designs and has at all times been the sole owner of all right, title and interest in and to the Designs, including the copyright thereto.
- 17. Upon information and belief, in late 2004/early 2005, an individual named Gary Bellinger, who supplied products to M&F, gained access to Plaintiff's molds and designs, including the Designs at issue here. Bellinger was not an employee of Berg. He was an independent manufacturer of belts in Mexico. However, because Bellinger was a major industry player who spoke the local language and knew everyone, Bellinger had access (through Berg's ex-wife) to Berg's jewelry factory in Mexico where Berg's belt buckles were manufactured.
- 18. Upon information and belief, Bellinger gained access to Berg's copyrighted molds for his designs in 2005 and then distributed them to M&F without Berg's knowledge or authorization.

B. Defendant's Infringing Activities

- 19. Upon information and belief, sometime in 2005 or thereafter, M & F created their own products copying the Designs for their products and mass producing them. Some examples are attached hereto as Exhibit A.
- 20. Upon information and belief, Defendant may also have infringed other copyrighted designs created by Plaintiff which are not identified in this complaint.
- 21. M & F did not license the Designs from Plaintiff, nor did M & F have Plaintiff's permission or consent to use the Designs.
- 22. Berg did not know back in 2005 that Bellinger gave M&F access to Berg's copyrighted design molds. Berg did not actually discover M&F's infringement until 2019.

CLAIM FOR RELIEF (COPYRIGHT INFRINGEMENT AGAINST DEFENDANT) (17 U.S.C. §§ 106, 501)

- 23. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-22 above.
- 24. M & F infringed Plaintiff's copyright in the Designs by reproducing, using, distributing and/or publicly displaying the Designs on the Website. M & F is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Designs.
- 25. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.
- 26. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.
- 27. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement
- 28. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Designs, pursuant to 17 U.S.C. § 504(c).
- 29. Plaintiff further is entitled to his attorney's fees and full costs pursuant to17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- 1. That Defendant M & F be adjudged to have infringed upon Plaintiff's copyrights in the Designs in violation of 17 U.S.C §§ 106 and 501;
- Defendant and its officers, agents, servants, employees, affiliated entities, and all
 of those in active concert with them, be preliminarily and permanently enjoined
 from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- 3. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Designs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
- That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
- That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to
 U.S.C. § 505;
- 6. That Plaintiff be awarded pre-judgment interest; and
- 7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York April 1, 2020

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
Richard Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580 Tel: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Robert Berg

Paul Eddins

From: Joanne Symons <joanne@hyosilver.com>
Sent: Wednesday, April 15, 2020 2:56 PM

To: Paul Eddins

Subject: Fwd: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE

Attachments: image001.png; ATT00001.htm; Amended Complaint_4_1_20-Clean (1).docx;

ATT00002.htm

Hi Paul,

Another letter from Bob, he attached details concerning your company.

Joanne.

Not sent from a PC.

Begin forwarded message:

From: "hyosilver@hyosilver.com" <hyosilver@hyosilver.com>

Date: April 16, 2020 at 12:21:20 AM GMT+10 To: Joanne Symons < joanne@hyosilver.com>

Subject: FW: COPYRIGHT INFRINGEMENT DELETE FROM YOUR SITE

1

Jo Symons

file: ///C: /Users/Paul/App Data/Local/Microsoft/Windows/Tempo...

From: Bob Berg
bobbergtitanium@gmail.com>
Sent: Wednesday, April 15, 2020 2:29 AM

To: hyosilver@hyosilver.com

Subject: COPYRIGHT INFRINGEMENT DELETE FROM YOUR WEBSITE

HI THERE,

ATTACHED IS LASTEST ON THE LITIGATION OF INFRINGERS OF BOB BERG DESIGNS M AND F DEMAND FOR TRIAL

IF YOU WANT TO AVOID THE SAME DAMGES, DELETE THESE INFRINGEMENTS ASAP AND POSSIBLY AVOID LITIGATION.

BOB BERG

Kind Regards,

Customer Service Department, Bob Berg Designs

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS

ROBERT BERG,

Plaintiff,

Docket No. 6:19-cv-0418

- against -

JURY TRIAL DEMANDED

M & F WESTERN PRODUCTS, INC.

Defendant.

AMENDED COMPLAINT

Plaintiff Robert Berg ("Berg" or "Plaintiff") by and through his undersigned counsel, as and for his Amended Complaint against Defendant M & F Western Products, Inc. ("M & F" or "Defendant") hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant's unauthorized reproduction and public display of copyrighted designs, owned and registered by Berg, a professional designer. Accordingly, Berg seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 et seq.

JURISDICTION AND VENUE

- 2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
- 3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in Texas.
 - 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

- 5. Berg, a native of Australia, is a professional designer who currently resides in Vietnam. Currently, Berg is unable to travel to the United States due to visa issues, as well as due to the pandemic.
- 6. Upon information and belief, M & F is a domestic business corporation organized and existing under the laws of the State of Texas, with a place of business at 1303 Holiday Drive, Sulphur Springs, Texas 75482. Upon information and belief M & F is registered with the Texas Department of State Division of Corporations to do business in the State of Texas.

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- 8. After an injury ended his rodeo career, Berg expanded his jewelry business. Although he focused on belt buckles, he also began to design, produce, and sell westernstyle rings, necklaces, bracelets, conchos, spurs, knives, and three-piece buckle sets.
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- 25. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.
- 26. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.
- 27. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement
- 28. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Designs, pursuant to 17 U.S.C. § 504(c).
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WHEREFORE, Plaintiff respectfully requests judgment as follows:

- 1. That Defendant M & F be adjudged to have infringed upon Plaintiff's copyrights in the Designs in violation of 17 U.S.C §§ 106 and 501;
 - 2. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
 - 3. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Designs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
 - 4. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
 - That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to
 17 U.S.C. § 505;
- 6. That Plaintiff be awarded pre-judgment interest; and
- 7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York April 1, 2020

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
Richard Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580 Tel: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Robert Berg